

ORIGINAL TRANSCRIPT

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

* * * * *

UNITED STATES OF AMERICA, NO.: 3:12-CV-219
ET. AL, JEFFREY M. SIMONEAUX,
Relator

VERSUS

JUDGE SHELLY D. DICK

E.I. DU PONT DE NEMOURS AND
COMPANY

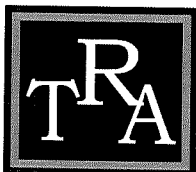
MAGISTRATE JUDGE
RIEDLINGER

* * * * *



The deposition of KERRY LONG
Taken on Wednesday, the 11th day of December, 2013
Commencing at 10:16 a.m.
at the offices of
Smith Law Firm
830 North Street
Baton Rouge, Louisiana 70802

REPORTED BY: ELICIA H. WOODWORTH, C.C.R.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

www.torresreporting.com

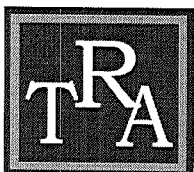
1.866.982.6878 Toll Free

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X	
EXAMINATION	PAGE
By Ms. Barney	6
By Ms. Waters	184
WITNESS' CERTIFICATE	210
REPORTER'S CERTIFICATE	211



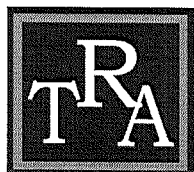
TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

E X H I B I T I N D E X

1		
2	Exhibit 1	6
3	Subpoena	
4	Exhibit 2	11
5	Copy of Witness' business card	
6	Exhibit 3	34
7	Gas calculation	
8	Exhibit 4	65
9	Incident Investigation Report 3/18/18	
10	Exhibit 5	68
11	Initial Incident Reports	
12	Exhibit 6	75
13	C Shift Report	
14	Exhibit 7	113
15	Gas calculations	
16	Exhibit 8	122
17	Incident Investigation Report 5/24/12	
18	Exhibit 9	134
19	Line Management Quality Control Form	
20	Exhibit 10	142
21	TSCA Training Module	
22	Exhibit 11	162
23	E-mail 3/27/12	
24	Exhibit 12	170
25	Incident Investigation Report 8/5/11	
	Exhibit 13	208
	Sulfur Plant Gas Calculations	

**TORRES REPORTING & ASSOCIATES, INC.**

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com**Baton Rouge, LA**
225.751.0732
225.752.7308 FAX**New Orleans, LA**
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

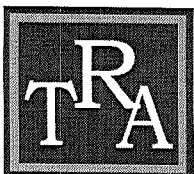
1 APPEARANCES:

2
3 REPRESENTING JEFFREY M. SIMONEAUX:

4 Jane H. Barney, Esquire
5 J.H. Barney Law Firm, LLC
6 2561 CitiPlace Court, Suite 750-161
7 Baton Rouge, Louisiana 70808

8 REPRESENTING E.I. DU PONT DE NEMOURS AND COMPANY:

9 Lori A. Waters, Esquire
10 On behalf of
11 Monique M. Weiner, Esquire
12 Kuchler, Polk, Schell, Weiner & Richeson, LLC
13 1615 Poydras Street, Suite 1300
14 New Orleans, Louisiana 70112
15
16
17
18
19
20
21
22
23
24
25



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

STIPULATION

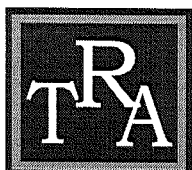
It is stipulated and agreed by and between all parties that the deposition of Kerry Long is hereby being taken under the Louisiana Code of Civil Procedure for all purposes.

The witness has not waived the right to read and sign the deposition. The original is to be retained by Jane H. Barney, Esquire for proper filing with the Clerk of Court.

All objections, except those as to the form of the question and the responsiveness of the answer, are hereby reserved until the time of the trial of the cause.

* * * *

Elicia H. Woodworth, Certified Court Reporter in and for the State of Louisiana, officiated in administering the oath to the witness.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 KERRY LONG,
2 Having been first duly sworn, was examined and testified
3 as follows:

4 EXAMINATION BY MS. BARNEY:

5 Q. Morning, Mr. Long.

6 A. Morning.

7 Q. Could you state your full name and address for
8 the record, please.

9 A. It's Kerry Gene, G-E-N-E, Long. I'm at 18539
10 Loch, L-O-C-H, Bend, B-E-N-D, Avenue in Greenwell
11 Springs, Louisiana 70739 is the ZIP code. The phone --
12 I don't see the phone. You have my phone number.

13 Q. Okay. I guess we can put it on the record.

14 A. Okay. 225-273-3607.

15 Q. Okay. I'll show you a document that we'll mark
16 as Exhibit 1 to your deposition.

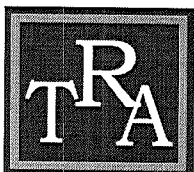
17 (Whereupon Exhibit No. 1 was marked for
18 identification.)

19 BY MS. BARNEY:

20 Q. That's a subpoena that we issued to you and it's
21 addressed to, I think, a former address of yours; is
22 that right?

23 A. Yes. I've been there out of that address two and
24 a half years.

25 Q. Okay. Did the subpoena make its way to you?



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. Yeah. We called the -- he called me on -- I gave
2 him my cell phone number. We were heading out to eat
3 and he was trying to make it to what he thought was the
4 correct address and he didn't -- he couldn't make it
5 there and he called us and I just -- we met him at a
6 restaurant and we were able to get it. I forgot what --
7 the date that he served it, but he didn't have any
8 problems with it.

9 Q. Thank you for doing that in responding to the
10 subpoena today.

11 The subpoena also asks for documents. I don't
12 know if you saw that part.

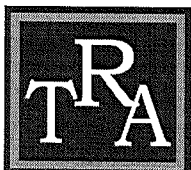
13 A. Yes.

14 Q. Did you have any documents that were described?

15 A. I don't have anything. The only documents I've
16 seen is the ones that were forwarded to me that is in
17 this folder right here.

18 Q. Okay. That Ms. Waters sent you once --

19 A. Yes. I didn't keep any documents when I left
20 DuPont and I looked for anything, any human resource
21 documents or personnel documents in my -- you know, my
22 leaving DuPont. I don't even have -- the only thing I
23 saw was a sheet of paper that described the things that
24 I was to surrender to DuPont when I left, you know, like
25 a cell phone, laptop computer and my security badges and

**TORRES REPORTING & ASSOCIATES, INC.**

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 all of that kind of stuff there. There was nothing --
2 no other thing that I had in my possession. I looked
3 through my files since I left.

4 Q. Well, thank you for looking for those.

5 Have you ever given an deposition before?

6 A. Let me think. Yes, I have. In New Orleans
7 probably in the mid 90s, I gave a deposition of a
8 case -- I was consultant in a case against Borden
9 Chemical involving EPA.

10 Q. Who were you employed by at the time?

11 A. C-K Associates in Baton Rouge.

12 Q. That's an environmental company?

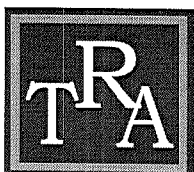
13 A. Environmental firm, yes.

14 Q. Was that in the context of your employment, your
15 work?

16 A. Yes. Yes.

17 Q. Where were --

18 A. Basically, I was a trained opacity observer there
19 and there was some allegations that Borden Chemical had
20 some opacity problems with a Quell (sic) tower that they
21 had on-site and I was asked to go out there and do an
22 observation in conjunction with DEQ and EPA doing an
23 observation and I did that. And all I did in that
24 position is just tell them what I did, you know, and I
25 never got -- you know, it was -- I was never called in



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 as a witness or anything on the case, so that was all I
2 did.

3 Q. So you were sort of paid by Borden as a
4 consultant to go out there and sort of parallel what the
5 EPA was doing?

6 A. Yes. Yes.

7 Q. Were you considered an expert witness; do you
8 know, or did they --

9 A. I never asked. All I was doing was go down there
10 and tell them what happened, but I don't know if I would
11 consider it an expert witness or not.

12 Q. All right. So that was really the only time
13 you've given a deposition?

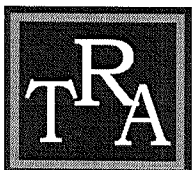
14 A. That's the only thing I remember.

15 Q. Since it's been a while, I guess I'll just
16 refresh a little bit over the rules.

17 I'm going to ask questions and you're going to
18 give the answers and the court reporter is going to take
19 down what we're saying.

20 A. Okay.

21 Q. One thing to watch for is try not to talk over
22 each other because sometimes you know what I'm about to
23 say and you start answering or sometimes I start
24 questioning before you're finished answering. We end up
25 trampling over each other, so if we can try to avoid



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 that, that would help the court reporter.

2 A. Sure.

3 Q. If you need a break at any point, just tell us
4 and we can stop and take a break.

5 A. I am going to have to take my coat off.

6 Q. Okay. I'll turn this down. It's getting warm.

7 (A conversation was held off the record.)

8 BY MS. BARNEY:

9 Q. Any other rules? Let's see. Oh, if you could
10 answer yes or no out loud rather than saying "uh-huh" or
11 "huh-uh" --

12 A. Okay. Sure.

13 Q. -- it makes it better for the record. And we'll
14 try to remind you because it's hard to remember that
15 when you start talking.

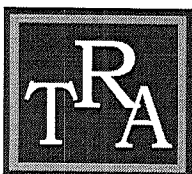
16 Are you on any medication that would make it hard
17 for you to understand questions and give accurate
18 answers?

19 A. No.

20 Q. Okay. If you don't understand a question that I
21 ask, just ask me to rephrase it or repeat it. If you
22 answer it, then I'll assume you understood it, so it's
23 better to kind of get me to clarify it upfront.

24 A. All right.

25 Q. Okay. Where are you employed right now?



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. Eagle Environmental Services.

2 Q. And what is your position there?

3 A. I'm a project manager. Senior project manager is
4 my actual title. Here's the information on them.

5 Q. Okay. Great.

6 Okay. We'll go ahead and mark this business card
7 as Exhibit 2 to your deposition. That's a helpful
8 thing. Thanks.

9 (Whereupon Exhibit No. 2 was marked for
10 identification.)

11 BY MS. BARNEY:

12 Q. So they're here in Baton Rouge?

13 A. On Petroleum Drive, yes, in South Baton Rouge.

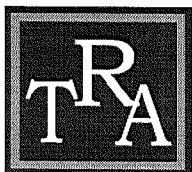
14 Q. And how long have you been employed there?

15 A. Prior to DuPont, I was employed there since --
16 from 2000 to 2007 and then from DuPont from 2007 to 2012
17 and then I departed DuPont in 2012 and now I'm back with
18 Eagle again. So I had two stints of employment with
19 Eagle.

20 Q. So what month in 2012 did you leave DuPont?

21 A. August 1st was my first day at Eagle, back with
22 Eagle again. So the end of July, July 31st, I worked
23 until the end of July with DuPont.

24 Q. Okay. Are you in the same type position you were
25 in -- strike that.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Are you now in the same type position that you
2 were in at Eagle before you went to DuPont or is that a
3 different position?

4 A. I was a project manager before. I am the senior
5 project manager now, so I'm responsible for other people
6 in my group, whereas before I was just one of the other
7 ones, so...

8 Q. Okay. What does a project manager do at Eagle
9 Environmental?

10 A. Our company is kind of divided up in people with
11 specialties in different type of environmental media.
12 We have those that are knowledgeable in water. In my
13 group, we're air consultants, so we specialize in doing
14 air permitting, air compliance for mostly industry in
15 the Louisiana area, though we've worked in other states
16 as well. So we -- I kind of manage the flow of work as
17 it comes in to make sure that some schedule is done
18 within budget and those types of things as well as doing
19 work personally, myself, for clients.

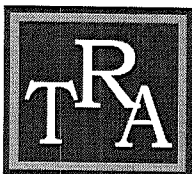
20 Q. Is DuPont still one of Eagle's -- or is DuPont
21 one of Eagle's clients?

22 A. Yes.

23 Q. And was that true while you were at DuPont?

24 A. Yes. And before DuPont as well.

25 Q. Do you do any work for DuPont now as the project



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 manager at Eagle?

2 A. No. I mostly do air consulting there and we
3 don't have any projects currently with the DuPont
4 Burnside plant or any of the DuPont facilities.

5 Q. In your division?

6 A. My division. The only work that we do now is
7 groundwater monitoring, sampling and monitoring we do
8 for their surface imbalance they have at the plant.

9 Q. What division were you in at Eagle from, say, in
10 2006/2007?

11 A. Doing the same work, but not as one of the
12 managers there. I was a project manager there, but I
13 was -- I did not have responsibility for the air group.

14 Q. Okay. While you were at DuPont, did Eagle do any
15 work on air permitting issues for DuPont; do you know?

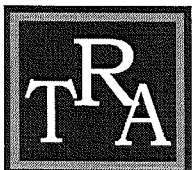
16 A. No. They did prior to that because I was the one
17 that did it when I got hired by DuPont.

18 Q. Okay.

19 A. So I prepared their air permits for them, so when
20 I got hired with DuPont, that work was no longer needed,
21 but I was inhouse then, so...

22 Q. Okay. So you did it, say, around 2000, all of
23 the way from 2000 to 2007 or was it later?

24 A. Probably from about 2005 to 2007 is really when I
25 did most of the DuPont work.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. Okay. So from 2005 to 2007 while you were at
2 Eagle --

3 A. Yes.

4 Q. -- you did some of the air permitting compliance
5 work for DuPont?

6 A. Yes.

7 Q. And then when you were hired at Dupont, you did
8 that internally and they didn't use Eagle for that?

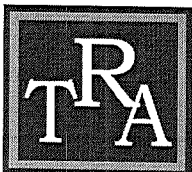
9 A. Right. The project that I was involved in prior
10 to coming to work for DuPont was completed and not yet
11 constructed, but it was completed. The permit was
12 issued prior to me coming to work for DuPont, so all I
13 did was kind of manage the environmental program with
14 all of the permitting in place after I came to work for
15 DuPont in 2007.

16 Q. Okay. And then when you left DuPont at the end
17 of July of 2012 and went back to Eagle, you did not
18 continue to do the air work for DuPont once you got back
19 to Eagle?

20 A. No.

21 Q. And as far as you know, nobody at Eagle is doing
22 that?

23 A. The only thing we've done for them is annually we
24 send a person out there that does monitoring. They have
25 a closed vent system. He goes out there and does



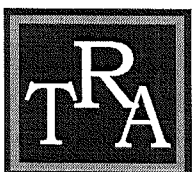
1 monitoring of that closed vent system to see if there's
2 any leaks in this closed vent system. They come off the
3 spent sulfuric acid tanks. The closed system goes to a
4 combustion device there and it's required by regulation
5 to be monitored for leaks every year and they do that.
6 It takes a couple hours. That's the only thing that
7 Eagle is involved in that's air related now, and I don't
8 do that. Someone else in the company does that.

9 Q. And that's on the spent acid?

10 A. On the spent acid tanks, there's a vent system
11 that the vapors are collected and/or combusted. If
12 there's an excess of vapors there, it's combusted in
13 a -- a vapor combustion unit is what it's called and
14 that closed system is supposed to be checked for
15 tightness every year to make sure there's not any leaks.
16 So we go out there in the fall of the year, usually
17 November or December, and this person checks for leaks.

18 Q. Do you know what kind of leaks? Are they gas
19 leaks?

20 A. This would be a -- they're checking for -- the
21 only -- the instrument will only pick up volatile
22 organic compounds, but most of the vapors are coming off
23 of nitrogen where those tanks have a nitrogen pad on
24 them, but they're to pick up any volatile organic
25 compounds of EOCs that would come off there. That's



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 what the regulation requires is to monitor that.

2 Q. So that checking wouldn't have anything to do
3 with measuring SO3 or SO2 gas?

4 A. No.

5 Q. Do you know who now is doing the work for DuPont
6 that you used to do when you were doing it internally?

7 A. It's T.J. Osbun mostly does managing those
8 programs with the help of their -- someone named Matt
9 Barnes to assist him. Matt Barnes is like his
10 supervisor, the one he reports to.

11 Q. Okay. Did you report to Matt Barnes when you
12 were at DuPont?

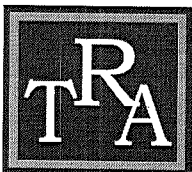
13 A. I did. The last year.

14 Q. Was there any transition when you left DuPont
15 between you and T.J. Osbun?

16 A. They hadn't decided to put T.J. in that position
17 as of yet, so I transitioned with Matt Barnes, who then
18 later transitioned T.J. when he was brought into that
19 position.

20 Q. Did Matt Barnes come down to the plant at any
21 point during your transition?

22 A. Yeah. He spent several days during that time
23 period. It was about a month, I guess, that I gave my
24 notice before I left to make sure that I had
25 everything -- that I had as much opportunity to



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

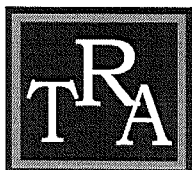
Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 transition with anybody that they could put in place or
2 in this case it ended up being transitioned to Matt.
3 They weren't able to hire anybody. In fact, T.J., who
4 was already there at the plant, was moved into that
5 position because, I think, of the difficulty of finding
6 someone to do that job.

7 Q. How did you hear about the difficulty in finding
8 someone to replace you? Did you sort of stay in touch
9 with folks?

10 A. Yeah. They were kind of relying on me to kind of
11 fill them in on things, reports that were needed and
12 everything. I had provided them with a good calendar, a
13 compliance calendar that kind of gave the dates that
14 they were supposed to do that, but a lot of them were
15 where were files located, where were calculations
16 located that they would use for these reports. T.J.,
17 who was kind of assuming that role and after Matt came
18 aboard, came in and transitioned him, Matt and both T.J.
19 asked me questions about where were things located
20 there, so I kind of kept in touch with them. And we had
21 recommended a person that used to work for us as a
22 potential replacement for me and she went down there and
23 interviewed and did not take the job. So I was kind of
24 aware of them filling the job and who they were
25 interviewing and all of those sort of things. But I did



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 not -- I didn't know anything until I talked to Matt
2 some months ago that T.J. was moved into that position
3 and assumed that responsibility that they had given up
4 on trying to find somebody.

5 Q. Okay. Who was it that you recommended that
6 didn't take the job?

7 A. I'm trying to think of her name. She works for
8 Chevron. She took a job at Chevron instead. Gosh. I
9 forgot her name. I don't remember.

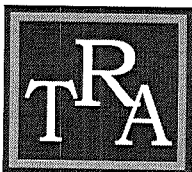
10 Q. Was it somebody who had previously worked at
11 DuPont?

12 A. No. They had worked at Eagle, and I didn't even
13 work with -- I didn't get an opportunity to work with
14 her when I was at Eagle, but she came highly recommended
15 by other people that I had worked with at Eagle while I
16 was around. So I knew that they were looking for
17 somebody, so I talked to her and told her about the job
18 and she was interested and I forwarded the resumé to
19 Matt Barnes and they interviewed her. Was really
20 interested, but she decided to take a job with Chevron.

21 Q. Okay. Do you know whether or not she actually
22 got an offer from DuPont?

23 A. She did and there might have been some
24 difficulties in coming to terms with the salary.

25 Q. Okay.



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. So she decided to go somewhere else.

2 Q. During your transition visits with Matt Barnes at
3 the site, what kind of things did y'all go over?

4 A. Understand -- I guess the critical things we went
5 over was understanding deadlines for reports that had to
6 be submitted, how are they -- when are they due, what
7 information is used to compile those reports, those
8 sorts of things.

9 Q. And you were explaining this to Matt?

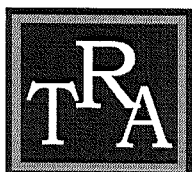
10 A. To Matt, yes.

11 Q. Were you in charge of all of the environmental
12 reports for the DuPont Burnside site when you were
13 there?

14 A. Yes. And I also was responsible -- there was
15 another plant, the -- in El Paso, Texas, the Borderland
16 plant. So I helped as well with the environmental.

17 Q. Okay. Can you tell me a little bit about your
18 educational background, where you went to -- I guess
19 start with high school, where you were.

20 A. Okay. I went to Istrouma High School here in
21 Baton Rouge. Graduated in 1969. Attended -- went to
22 LSU starting in 1969. Went on a petroleum engineering
23 scholarship. Got married. Started having children.
24 Wasn't able to finish in engineering, so I completed a
25 Bachelor of Science in general studies in 1975.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 MS. WATERS:

2 I'm sorry. You got your BS in what?

3 THE WITNESS:

4 General studies.

5 THE WITNESS:

6 And went back in the mid 90s, went back
7 to LSU, took some courses in conjunction with Louisiana
8 DEQ and got certified as a professional environmental
9 manager. I'm thinking that's probably mid 90s, '96,
10 '97, somewhere along that timeframe. So most of my --
11 most of my -- I guess my experience is I started in
12 environmental consulting back in 1991 with CK
13 Associates, and most of my experience has been kind of
14 on the job with that. I didn't know anything about
15 environmental, but the owner of CK Associates gave me an
16 opportunity to, and I just started learning that. Went
17 back -- like I said, went back and got some more -- some
18 coursework at LSU and just kind of -- it kind of stuck
19 with me.

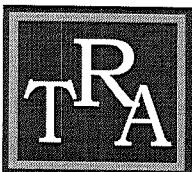
20 BY MS. BARNEY:

21 Q. Okay. So you started working with C-K in 1991?

22 A. Yes.

23 Q. And they were a purely environmental company?

24 A. Yes, that's all they do. They had an engineering
25 group as well, but they were advertised in marketing as



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 an environmental consulting company, yes.

2 Q. And what did you do for them between -- well, let
3 me start over.

4 When you went to take courses in '96 and '97, you
5 were still employed with C-K?

6 A. Uh-huh. I took them at night, you know.

7 Q. So you were employed with C-K from '91 to 2000,
8 basically?

9 A. Yes.

10 Q. Did your job change any over that nine years?

11 A. I was an air consultant from the day I started
12 with C-K through my employment with Eagle, so...

13 Q. How many courses did you have to take or how many
14 hours did you have to put in to get the certified
15 professional environmental manager certificate?

16 A. If I remember right, there was about 20 courses.
17 I took them over about a year and a half, two years.

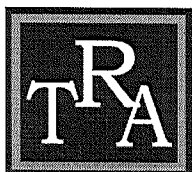
18 Q. All right. I believe you testified a little
19 while ago that you were getting -- after you left, you
20 would get questions about where things were located and
21 things like that from the folks at DuPont Burnside.

22 A. Yes.

23 Q. Or Matt, I guess Matt Barnes.

24 A. Yeah.

25 Q. He's not actually located at Burnside?



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. No. He's in Ohio, but he's kind of responsible
2 for environmental as well as health and safety for all
3 of the plants that are part of the acid circuit for
4 DuPont.

5 Q. Do you know what level of environmental education
6 he has?

7 A. Well, he's an industrial hygienist. He has quite
8 a bit based on experience both as a consultant and as a
9 DuPont employee, so his -- I don't know about formal
10 education. I can't answer to that, but I know based on
11 experience, I've worked with him at a number of other
12 DuPont acid plants, and he's very knowledgeable based on
13 experience, you know.

14 Q. Okay. Do you want some water? I'm going to get
15 some water.

16 (A recess was taken.)

17 BY MS. BARNEY:

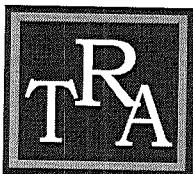
18 Q. While you were employed with DuPont, were you
19 always assigned to the Burnside plant?

20 A. Other than having responsibility for the El Paso
21 plant, but my main focus was on the Burnside plant.

22 Q. All right. And was your office at the Burnside
23 plant?

24 A. Yes.

25 Q. When you mentioned working with Matt Barnes at



1 other plants, would that have been El Paso?

2 A. El Paso.

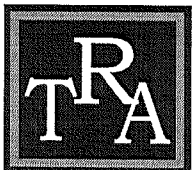
3 Q. Any others?

4 A. Let me think. I've probably -- well, no, not
5 anything extensive. I might have talked to him about
6 some r&p work for the James River Fort Hill plants, but
7 nothing really formal.

8 Q. Okay. What types of environmental reports with
9 regard to air did you do at DuPont Burnside when you
10 were working there?

11 A. Well, because they were a Title 5 facility, they
12 had semi-annual reports. Those were monitoring. A
13 continuous monitoring system, they had to report on
14 malfunctions that you had with those, so those were done
15 every six months. So you had an annual certification
16 that you were in compliance with your Title 5
17 requirements.

18 Let me see some of the other ones they had.
19 There was some quarterly reporting for new source
20 performance standards that had to be done because it was
21 a sulfuric acid plant and that's one of the standards
22 that they fell under. You had -- State of Louisiana
23 requires an emissions inventory to be submitted every
24 year. That was a report that you submit in March/April.
25 I think it's changed to April now, but it was where you



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 report your emissions over the year, previous year.

2 Q. Okay. Can you think of any other reports that
3 you did with regard to air?

4 A. Let's see. Air. We did greenhouse gas
5 reporting. Let me think of some others. I'm drawing a
6 blank right now.

7 Q. That's okay.

8 A. There's a number of other things that involved
9 other media, but not other air reports that I can think
10 of right now.

11 Q. Okay. The continuous monitoring you mentioned
12 for the Title 5 permit, was that -- where was that
13 monitoring conducted? What was the source that was
14 measured?

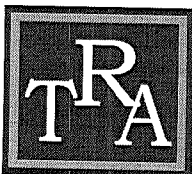
15 A. They had analyzers that were -- that sampled the
16 stack that measured the concentration of SO2 going out
17 the stack or continuous spaces and there were limits in
18 the Title 5 permit what those emissions could be.

19 Q. Okay. Any other monitoring that you know of at
20 the site, air monitoring for the permit, for the Title 5
21 permit?

22 A. Okay. For the Title 5 permit, required to do
23 opacity monitoring on the stack.

24 Q. Opacity?

25 A. Opacity, O-P-A-C-I-T-Y. That's just mostly



1 determining where you have smoke coming out of the stack
2 that was required. No frequency on that, but we -- as a
3 matter of being proactive, we decided we were going to
4 do it weekly.

5 Q. That's a visual inspection?

6 A. Visual observation. You had to have certified,
7 trained observers. They have to be -- every six months
8 they have to be recertified so they would go out there
9 and make these observations to determine what the
10 opacity -- what they estimate the opacity of the
11 stack -- the emissions coming out of the stack would be.

12 Q. All right. So any other monitoring that you know
13 of for air with regard to the air permit?

14 A. No.

15 Q. Okay. So the permit, the Title 5 permit, just
16 pertained to SO2 gas; right?

17 A. No. It's their air permit for the entire
18 facility, entire plant, so everything that's emitted
19 from the plant are ERP emissions limits.

20 Q. What gases were allowed to be emitted were
21 permitted under that permit? And if you don't remember,
22 I guess the permit will speak for itself.

23 A. Yeah. Nitrogen oxide, of course, sulfuric
24 dioxide, that's SO2, sulfur trioxide, a little bit of
25 that. Small amounts of EOC was in the permit. That's



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 volatile organic compounds. Let me think what else
2 there might be. Carbon monoxide. Anytime you have
3 combustion, you'll have CO, carbon monoxide, coming from
4 that. Let me think if there were any other cats and
5 dogs that were in the permit. That's all I can think
6 of. Mostly -- mostly those. I haven't looked at it in
7 several years, so I don't remember as much as I probably
8 could have a couple years ago.

9 Q. Okay. But do you specifically recall the permit
10 addressing sulfuric trioxide?

11 A. There might be emission sources that had sulfur
12 trioxide limits to them. Right now, I can't recall
13 which ones they would be.

14 Q. Okay. Would that have been out of the stack?

15 A. I don't think there's a limit of sulfuric
16 trioxide from the stack, no.

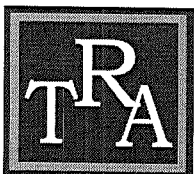
17 Q. Was it the -- well, if you recall, was it an
18 oleum tower or...

19 A. Let me think. No. Oleum tower did not vent to
20 the atmosphere. The only -- anything that would get
21 into the atmosphere --

22 Q. From a permitted source?

23 A. Yeah, from a permitted source.

24 I'm trying to think where that might be, and
25 there may not be any that I'm thinking of. I just know



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 that's one of the gasses that, you know, the facility
2 handles, but most of that gas is observed in their
3 observation towers. So very little of it, if any, makes
4 it to the atmosphere. That's the valuable thing that
5 they're making to try to make their sulfuric acid
6 product with so...

7 Q. The SO3?

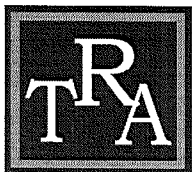
8 A. Yeah, SO3. That's what the purpose -- they burn
9 sulfur or regenerate spent sulfuric acid to make SO2,
10 which is converted to SO3, sulfur trioxide, and that's
11 absorbed in water to make the sulfuric acid products.
12 So they optimize how much SO3 they make and keep so they
13 cannot waste any.

14 Q. Okay. So you can't think of any planned or
15 permitted release of SO3 at the site?

16 A. There may be, but without having the permit in
17 front of me, I cannot -- I can't give a good answer.

18 Q. Okay. All right. Do you remember what the
19 permitted sources at the plant were? Were there any
20 other than the stack?

21 A. Primarily the stack, but there was some other --
22 they had loading emissions from loading their products
23 and, let's see, emissions from the vapor combustion
24 unit. That was the one that took the vapors off the
25 spent sulfuric acid tanks and combusted any excess



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 vapors there. It would be combusted and you would have
2 some emissions from that.

3 Let me think of some other -- primarily the plant
4 stack. There was only a handful of sources at the
5 plant, so it's mostly -- most of the emissions came from
6 the stack.

7 Q. Okay. If other witnesses testified -- and I'm
8 not saying that they did, but I'm just not clear. We've
9 taken a lot of depositions. If other witnesses
10 testified that there was not a permit for SO3, would you
11 dispute that?

12 MS. WATERS:

13 Object to the form.

14 THE WITNESS:

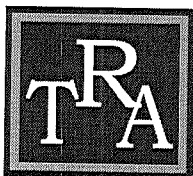
15 There's not a permit for SO3?

16 BY MS. BARNEY:

17 Q. That the permit didn't govern SO3 releases, that
18 it didn't give a permissible amount of SO3 releases,
19 just SO2.

20 A. It's possible that there were limits in the
21 permit, but without looking at it, I can't answer yes or
22 no. I'm not aware of either its emission or its
23 inclusion in the permit, so...

24 Q. Okay. And the monitor on the stack only
25 monitored SO2; is that right? It didn't monitor SO3?



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. Yes, I think they can monitor SO3.

2 Q. Well, you testified earlier about a continuous
3 monitoring of SO2 from the stack, and so I guess I'm
4 following up.

5 A. I think the analyzer can be set that you can pick
6 up SO3 as well.

7 Q. All right. Do you know whether or not they did
8 that or whether they were just monitoring --

9 A. They don't do that on a continuous basis because
10 it's not required in the permit.

11 Q. Okay.

12 A. There's analyzers up there because they have to
13 monitor the sulfur dioxide.

14 Q. Okay. And so it's your understanding that you
15 think they can measure SO3 --

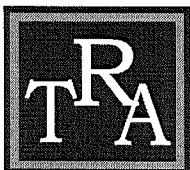
16 A. I think they can, but it's not set up like that,
17 so there might be something they can do to do that, but
18 there's no reason for them to do that if all they're
19 required to do is monitor what the SO2 emissions are.

20 Q. Okay. I'm not sure if we covered this, but
21 that's the only location on the stack where there's this
22 continuous monitoring going on?

23 A. Yep.

24 Q. Okay.

25 A. You have a -- that's on the stack. They monitor



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 it before it goes to the stack, the inlet. They monitor
2 that. So you have two analyzers that are working there.

3 Q. So they monitor the inlet to the stack and then
4 they monitor what comes out of the stack?

5 A. Yes.

6 Q. What do they measure on the inlet, the same, SO2?

7 A. Yes. They're wanting -- what they're doing is to
8 determine before it leaves the stack what type of
9 conversion that you're getting, the inlet analyzer,
10 comparing the difference between the two, to see that
11 you're getting the optimized conversion of SO2 to SO3.
12 So you have an inlet analyzer, but the stack analyzer is
13 located on the stack.

14 Q. So the inlet monitor measures the amount of SO2?

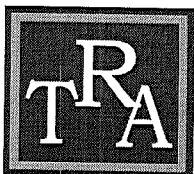
15 A. I think in that case it's probably measuring --
16 it probably can measure 2, but I don't know if it's set
17 up to measure SO3 continuously.

18 Q. Okay.

19 A. You'll probably have to ask one of the analyzer
20 guys there that question. I'm just not as up on
21 their -- if I did remember that, I don't remember it
22 now.

23 Q. Okay. Who would do these measurements while you
24 were at DuPont, the analyzer guys? Who were they?

25 A. The analyzer guys would be Bo Accord and let's



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 see what was his name. Last name is Miller. First name
2 is -- I'll think of it later on. I forgot his first
3 name now.

4 Q. Would it be Scott or Wade?

5 A. Wade. Scott's the operator.

6 Q. Okay.

7 A. It would be Wade Miller and then we have that --
8 let me think. Metco was the company that we would call
9 in to do certification on those analyzers every -- I
10 forgot how often we did it. They were done quarterly.

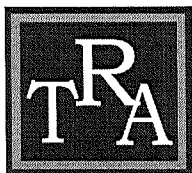
11 Q. Okay. And this is all with regard to the inlet
12 to the stack or the exit out of the stack?

13 A. Yes.

14 Q. You were talking a little while ago, I think,
15 about your transition and some questions that Matt had
16 or folks after you left and you mentioned locations for
17 calculations, and I was wondering what types of
18 calculations you did at your job at DuPont.

19 A. Well, we had calculations that we did for our
20 emissions inventory that was submitted annually. It was
21 spreadsheets that were on our server there that I just
22 had to make sure that they knew where they were located
23 so that they could take the calculations and put that in
24 for the next year.

25 Q. Okay. The emissions inventory, does that pertain



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 to the permitted release sources?

2 A. Well, in some cases, it's permitted emissions
3 rates, but others, it's actual rates, like from the
4 stack, you're measuring actual rates based on those
5 certified analyzers that you are emitting from the
6 stack. So in some cases, it would be what, you know,
7 the permitted rates were.

8 Q. All right. But it's measuring --

9 A. But the plant stack where most of the emissions
10 from the plant come from, it was taking actual
11 measurements of what the concentrations out -- coming
12 out the stack and determining an emission rate that you
13 could do on an annual basis.

14 Q. All right. What other types of calculations did
15 you have to do other than the emissions inventory?

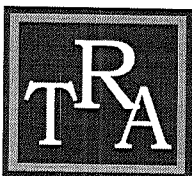
16 A. You're talking about specifically for air or
17 other --

18 Q. Yeah, for air.

19 A. Okay.

20 Q. Or gasses.

21 A. Yeah. Well, we had to calculate on an annual
22 basis what our greenhouse gas gas emissions were and
23 that was based purely on what your natural gas usage
24 were and there were factors that you had to apply to
25 that to calculate what the emissions of greenhouse



1 gasses were. Primarily, it was carbon dioxide at the
2 plant, but you also had some -- you would have some
3 methane and nitrous oxide and those things like that to
4 report in the greenhouse gas requirements, so...

5 Q. The greenhouse gases would not have anything to
6 do with SO3 or SO2; right?

7 A. Huh-uh.

8 Q. Any other kinds of calculations that you would do
9 in your job at DuPont?

10 A. There may be others, but right now, I'm drawing a
11 blank. But it's a long time since I've thought about
12 it.

13 Q. So these are sort of the routine calculations
14 that --

15 A. Yeah. That's kind of routine things that are
16 part of reporting.

17 Q. All right. Let me show you, if you would, this
18 document that Ms. Waters sent to you that's Bates
19 labeled DSF 83 and ask you to take a look at that.
20 That's sort of a calculation spreadsheet; is that right?

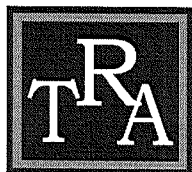
21 A. Uh-huh.

22 Q. And --

23 MS. WATERS:

24 Is that Exhibit 3? We'll mark it?

25 MS. BARNEY:



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Sure. We'll mark that as Exhibit 3.
2 (Whereupon Exhibit No. 3 was marked for
3 identification.)

4 BY MS. BARNEY:

5 Q. I believe on the top it says, "Gas leak on the
6 converter second pass."

7 A. Uh-huh.

8 Q. Before we get into that, is it your understanding
9 that there were leaks on the converter, the CIP and the
10 HIP, maybe the superheater going back to maybe December
11 2011 until the time you left; is that your
12 understanding?

13 A. There were mitigated leaks on the converter.

14 Q. Okay. Well, and we can go into the leaks in
15 detail.

16 A. Yeah.

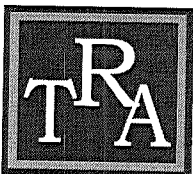
17 Q. If Percy Bell and other witnesses have testified
18 that there have been leaks from that equipment kind of
19 ongoing from December 2011 until August 2012 and
20 further, but you were gone at that point, would you have
21 any reason to dispute that?

22 MS. WATERS:

23 Object to form.

24 THE WITNESS:

25 Yeah. I guess, you know, it depends on



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 what you define. There was equipment that had leaks in
2 them.

3 MS. BARNEY:

4 Okay.

5 THE WITNESS:

6 Right.

7 BY MS. BARNEY:

8 Q. And that would include the converter and the CIP
9 and the HIP?

10 A. Actually, it wasn't the converter itself. It was
11 like the -- in the duct or the piping to the HIP and the
12 CIP that always -- even though this leak is saying
13 converter second pass outlet, it's not really on the
14 converter itself. It's on the --

15 Q. The ductwork?

16 A. The ductwork going or the -- the --

17 Q. The plenum?

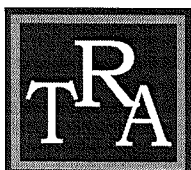
18 A. Plenum and the flanges, for lack of a better
19 word, around the HIP and the CIP.

20 Q. Okay.

21 A. Yes.

22 Q. All right. Yes, and I should have included
23 ductwork and plenums in my definition because we
24 normally do.

25 So it's the HIP, the CIP, the converter, the



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 superheater to some extent and ductwork and plenums that
2 are attached to that equipment.

3 A. Yes.

4 Q. So you wouldn't dispute that there were leaks
5 from that equipment during that time period?

6 A. Uh-huh.

7 Q. You wouldn't dispute that?

8 A. No. No.

9 Q. Okay. And so when -- I think you said something
10 about mitigation. Were you aware -- I guess you saw
11 while you were working there that there was a black,
12 plastic hose system that was trying to suck up the leaks
13 from this equipment?

14 A. Yes.

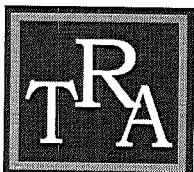
15 Q. Okay. And KBR managed that or -- strike that.
16 KBR was in charge of putting up those hoses and
17 adjusting the hoses and things like that to try to
18 capture the gas leaks?

19 A. Yes. They did -- actually did the labor to do
20 that, but they were directed by, you know, either a
21 DuPont supervisor or their own supervisor to do that.

22 Q. Okay. And Lonnie Blanchard was real involved in
23 that process; right?

24 A. Yes.

25 Q. Okay. And in terms of a DuPont person, would



1 Gene Clemons be the one that they reported to?

2 A. Yes.

3 Q. Okay. Those leaks from the equipment were not a
4 permitted source under the Title 5 permit; right?

5 MS. WATERS:

6 Object to the form. Which equipment?

7 THE WITNESS:

8 Not that I'm aware of, no.

9 MS. BARNEY:

10 And the equipment -- just to clarify for the
11 record, the equipment was the CIP, the HIP, the
12 converter, the superheater and the ductwork and plenums
13 attached to them.

14 MS. WATERS:

15 Thank you.

16 BY MS. BARNEY:

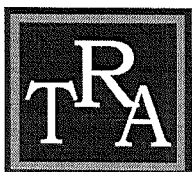
17 Q. So it's your understanding those are not sources
18 in the permit; right?

19 A. No, they're not individually emissions sources.
20 No, they're not.

21 Q. Okay. Permitted sources?

22 A. Right.

23 Q. All right. So Exhibit 3, Bates Page 83, is that
24 sort of a spreadsheet that you can plug in variables
25 into and then it generates some information back for gas



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 leaks, for quantifying gas leaks?

2 A. Yes.

3 Q. All right. Do you recall ever seeing Exhibit 3
4 before?

5 A. Yes.

6 Q. Okay. Do you know about when it was created and
7 who created it?

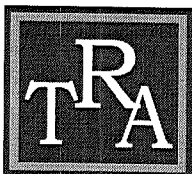
8 A. Either a gentleman that's retired from DuPont,
9 Dale Vanavery, back in -- prior to 2008, or Lewis Chu,
10 who I understand is still working for DuPont, but he was
11 assigned to the acid technology center. Most likely it
12 was him, and it would have been 2008 -- maybe before
13 2008. I'm not sure exactly about the timeframe, but
14 that's probably when -- it would have to be because this
15 configuration at the plant where you had the CIP and the
16 HIP was not constructed until that 2008/2009 timeframe
17 so...

18 Q. Okay. And you think this calculation was done
19 around the time of the construction of that equipment?

20 A. Yes.

21 Q. So how did you come to see this calculation?

22 A. Lewis Chu was the process engineer before Dan
23 Monholland was hired by DuPont and he spent --
24 particularly during the time of the startup after the
25 construction, he spent a lot of time in the plant and I



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 think we would talk about, you know, the need to have
2 calculations if you had leaks, how could we generate
3 a -- you know, an estimate of what those emissions would
4 be. And I'm fairly sure that Lewis was probably the one
5 that did that somewhere maybe around 2009. It could be
6 as early as 2008. I'm not sure exactly when the plant
7 started up.

8 Q. Okay. So was he or were you looking at this sort
9 of as an example --

10 A. Yes.

11 Q. -- of how you would calculate a leak?

12 A. Yes.

13 Q. But for that particular calculation, were you not
14 or was the calculation not focused on an actual hole?

15 A. No. There was not the -- these types of pinhole
16 leaks that were involved around the HIP and CIP didn't
17 occur till probably the 2011 timeframe.

18 Q. Okay.

19 A. So --

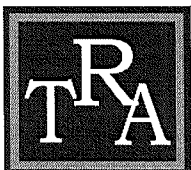
20 Q. And I'm not sure when you mentioned pinhole leak,
21 the Page 83 --

22 A. Yeah.

23 Q. -- refers to what area of a hole?

24 A. .77 diameter.

25 Q. Of an inch?



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. Yeah.

2 Q. And that's diameter or area of the hole?

3 A. No. That's the diameter.

4 Q. What's the area of the hole?

5 A. The area of the hole is .00323.

6 Q. Square feet?

7 A. Square feet, yeah.

8 Q. And for that purpose in '83, that was just sort
9 of a number that was plugged into the calculation?

10 A. Yeah. We always -- we do conservative estimates
11 when we plugged in numbers because most of the leaks
12 that you would deal with would be pinhole, small leaks
13 that didn't take very much leak, you know, to be
14 visible. Because if there was any SO₃ in the gas coming
15 out of the hole, it would immediately mist as it hit the
16 atmosphere, with the water vapor in the atmosphere and
17 you can see it.

18 Q. You can see an SO₃ leak?

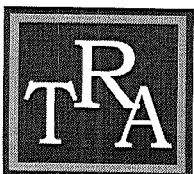
19 A. Yes.

20 Q. And you can't see an SO₂ leak; right?

21 A. No.

22 Q. So here y'all were grabbing just a sample size to
23 try to run this calculation as sort of an example?

24 A. I don't know -- this may have been to a -- I'm
25 not sure what the date -- they don't have a date on that



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 calculation.

2 Q. No.

3 A. It looks like it's in support of one of the
4 other -- the incidents that there's a report. I don't
5 see it -- well, maybe it's right in here. There was a
6 report here along --

7 Q. Well, and we have lots of incident reports and we
8 can get into those.

9 A. Okay. All right.

10 Q. But this is one that you recall being when they
11 were starting up the new equipment; right?

12 A. I don't have any knowledge whether that was that
13 timeframe or not. I just know this is a calculation
14 and -- that's familiar to me, but I don't know the
15 specific circumstances around creation of this
16 calculation.

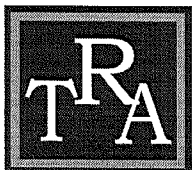
17 Q. A second ago you were saying you thought it was
18 done when they were putting in the equipment back in '08
19 or '09?

20 A. No. I'm saying the calculations were formatted
21 during that time.

22 Q. Okay. All right.

23 A. So, I mean, this specific calculations with the
24 input that's in here, I don't know when that was done.

25 Q. Okay. I see.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. I know we created calculations back after the
2 plant was started up sometime.

3 Q. So you think -- I think I'm with you now. The
4 templet or the blank --

5 A. Yes.

6 Q. -- Excel spreadsheet that could do this --

7 A. Right.

8 Q. -- was created back in '08 or '09?

9 A. Yes. Most likely 2009 because I don't think we
10 finished construction until beginning of 2009.

11 Q. All right. And you think maybe Lewis Chu was
12 involved in coming up with that spreadsheet formula or
13 whatever?

14 A. Yes. Either him or Dale Vanavery who was kind of
15 his predecessor and they worked together there, so it
16 was either one of those. Most likely Lewis.

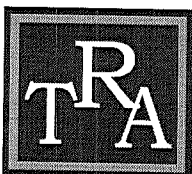
17 Q. All right. And so then you think this
18 spreadsheet was used at various times after that to
19 actually calculate some leaks?

20 A. Yes.

21 Q. All right. How many times have you ever used
22 that spreadsheet format to calculate a gas leak at
23 DuPont?

24 A. At least two or three. Maybe more.

25 Q. Okay. What would prompt you or who would prompt



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 you to do that calculation?

2 A. When we started, we would initiate an
3 investigation. As part of the reporting process, we
4 would go through the exercise of calculating what the
5 emissions were.

6 Q. Okay.

7 A. And then normally that was started by either like
8 the operations manager or in most cases the plant
9 manager would take the lead on the investigation. At
10 that time, it was Tom Miller.

11 Q. All right.

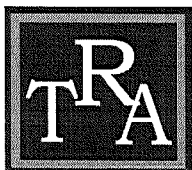
12 A. And before him, it was Don Janezic.

13 Q. Okay. So you mentioned an incident report, so I
14 guess the first prompt for you to do a leak calculation
15 would be that there was an initial incident report that
16 somebody said --

17 A. Or that there was an incident there and it's part
18 of the process of doing the report that you would have
19 some type of calculation of whether that incident,
20 whether the emissions were enough to be a reportable
21 quantity for one thing.

22 Q. Okay. And so you would do a calculation to see
23 if the leak was enough to be what you think is a
24 reportable quantity?

25 A. Right. Plug in the numbers right here and that



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 would be the numbers that were used to determine whether
2 you exceeded the reportable quantity and whether you
3 input some numbers to the report, the incident report
4 that was put in management central is the mechanism they
5 used at DuPont for reporting incidents.

6 Q. And that's the incident investigation report;
7 right?

8 A. Yes.

9 Q. Because there's another form called an initial
10 incident report.

11 A. Yes.

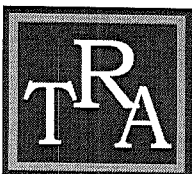
12 Q. So the one you're talking about with numbers in
13 it is the incident investigation report?

14 A. Right. The incident form, the first one you
15 talked about, if I remember right, it was like a
16 handwritten report that was where the basic information
17 was gathered. The one that went in management central
18 was available for everybody to see because it was put in
19 the system that was available to all of the other
20 plants.

21 Q. And that's the one that Tom Miller or Don
22 Janezic, the plant manager, would be in charge of doing?

23 A. Yes. Right.

24 Q. So you have done those calculations that would
25 have made their way into an investigation report two or



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732

225.752.7308 FAX

New Orleans, LA
504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 three times, about?

2 A. Probably. I don't know that I can put an exact
3 number on it. Two or three would probably be a good
4 guess, and other people have used this calculation. Dan
5 Monholland would have used it. Elizabeth Cromwell, she
6 was operations manager; she would have used that as well
7 as myself. What we normally would do is sit down with
8 the plant manager as we're doing the report, gather the
9 information together, do the calculation and start
10 putting that information in the incident report, so...

11 Q. Okay.

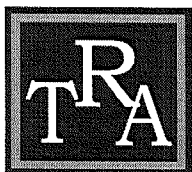
12 A. We kind of do that cooperatively. So I may have
13 plugged the numbers in myself, you know, two or three
14 times. They might have done it other times, you know.

15 Q. Okay. If Dan Monholland testified that the only
16 people that actually did the calculations at Burnside
17 since June 2011 would be either him or you, would you
18 have any reason to dispute that?

19 A. That probably would be accurate.

20 Q. So I guess the prompt that we were talking about
21 for you to do this calculation would come from the plant
22 manager who was in charge of the investigational report?

23 A. Yes, normally, because the investigation was in
24 place and they needed to know what kind of leak we're
25 talking about.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

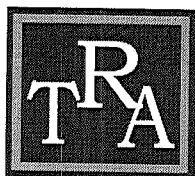
1 Q. Is there any other context other than this
2 investigational report where you would have done one of
3 these two or three calculations that you did or were
4 they all in connection with an investigation report?

5 A. As far as I know, I mean, I wouldn't have done
6 one other than if they there was not an incident other
7 than having a format, developed a format, and maybe
8 tweaking the format before we actually had an incident.
9 That would have been the only time we would have ever
10 done anything with the calculation. But, no, it would
11 have taken -- an incident where we started the
12 investigation, we want to know what type of leak we had,
13 what are the emissions coming from that leak.

14 Q. All right. You mentioned something about
15 tweaking the format. Did you ever make edits to the
16 formula itself? The spreadsheet that is generating this
17 data, did you ever edit the formula?

18 A. No. I mean, I didn't have the knowledge to be
19 able to come up with this, so all I could do was plug
20 the numbers in. If there was something that we needed
21 wasn't coming out right, in the early days we would --
22 someone like Lewis Chu would have done that -- those
23 corrections.

24 Q. All right. So you just pretty much filled it out
25 the way Lewis --



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. Yes.

2 Q. -- explained that it should be filled out?

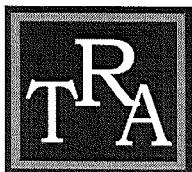
3 A. I would have just plugged the numbers in, you
4 know, estimate the diameter of the hole, temperature,
5 pressures, what the concentrations of SO2 and SO3 were,
6 and it would spit out the numbers.

7 Q. In those two or three calculations that you did,
8 do you recall where you got the area of the hole to plug
9 into the formula?

10 A. Well, most of the time we were dealing with very
11 small values of the hole, so we kind of overestimated
12 what it would be. If it was pinhole, we may have said
13 it was a quarter inch. You know, if it's something a
14 little bit larger than that, we may have said -- like in
15 this case right here, we said .77.

16 Q. But my question was, when you did these two or
17 three calculations, where did you get the information to
18 plug in that represented the area of the hole? Who did
19 you get it from?

20 A. Well, you know, because it was covered up with a
21 trunk line, these plastic hoses, we'd have to rely on
22 information from the guys that actually put the trunk
23 lines on the spots that were leaking, like, you know,
24 Lonnie Blanchard or someone else that worked with KBR
25 that was actually doing the work mitigating the leak.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 So we'd have to get information from them or Gene
2 Clemons, you know, if he had put eyes on it.

3 Q. Okay. And I'm trying to get -- I realize those
4 could be sources of the information. I'm trying to
5 understand, in those two or three times where you did
6 the calculation, who did you actually get the area of
7 the hole from? Who told you that information?

8 A. I don't have a clue. I mean, that's been several
9 years ago. I would just be guessing, like I just did.

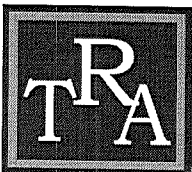
10 Q. Okay.

11 A. The information would have to be from somebody
12 that was actually there next to the leak that was
13 working the leak. I can't tell you specifically who
14 that was, but it most likely was someone like Lonnie
15 Blanchard or someone else in the KBR group that told me
16 or Gene Clemons would have told me, you know, what size
17 the hole was.

18 Q. Okay. So the information could have gotten
19 relayed through other people to you; right?

20 A. I guess. Yeah. It could have got -- I would not
21 have been able to personally put my eyes on a leak
22 because we didn't want to take the hose, the vacuum hose
23 down from the spot to do that.

24 Q. And as you sit here, you don't have any specific
25 recollection of actually talking with Lonnie Blanchard



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732

225.752.7308 FAX

New Orleans, LA
504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 or one of his guys to get the area of the hole; right?

2 A. I've talked to him about that before, but for any
3 of these, I can't specifically say that I talked to
4 Lonnie Blanchard about any of these --

5 Q. Calculations?

6 A. -- calculations that you have here.

7 Q. Okay.

8 A. I just don't have -- I don't recall specifically
9 that I talked to Lonnie about that.

10 Q. Okay. Do you know how long before you left
11 DuPont was the last time you did one of those
12 calculations?

13 A. Probably early 2012.

14 Q. Okay.

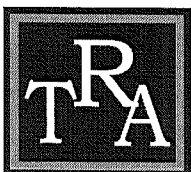
15 A. Because there was -- I remember that there was an
16 April timeframe maybe that DEQ made a visit out there
17 and they looked at the calculation so that would
18 probably be the last time that I remember.

19 Q. All right. Tell me about this visit from DEQ.
20 Are you saying that they looked at a calculation like
21 the one on Page 83?

22 A. Uh-huh.

23 Q. And it's your testimony that you, personally,
24 showed them that calculation?

25 A. Yes. That calculation and the incident report



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

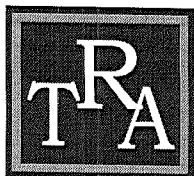
1 that we made for that. It was in response to -- they
2 came out somewhere around March, April, I think, came
3 out at nighttime and told them at nighttime, told the
4 operators at the nighttime they were going to come back
5 during the day. I assumed that they were going to come
6 back the next day, but they didn't. It was several days
7 later during the daytime and they sat down with me and
8 said this was what they were responding to a complaint
9 that somebody had. I didn't get into any details of
10 that, that they wanted to look at that. So I think they
11 came out and looked at the cameras in the control room,
12 gathered what information they could from the operators,
13 but it came back within the next couple of days and we
14 had already done the incident report with the
15 calculations. So I gave that to her and she looked it
16 over and seemed to be satisfied.

17 Q. All right. So between the time that the DEQ came
18 out on that evening and when they came back, a
19 calculation was run like the one Bates labeled 83?

20 A. Yeah. Like, again, I'm trying to recollect
21 memories of specific things back there that I don't
22 know, but I would say yes.

23 Q. Okay. Do you remember who you met with at DEQ in
24 April 2012?

25 A. There was two, but one of them I do remember.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

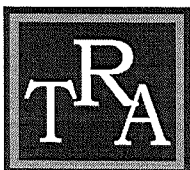
1.866.982.6878 TOLL FREE

1 I've spoken to her since then, since I've been back with
2 Eagle, Regina Faye Taylor. She was like a lead
3 inspector. She's got a different position now, but she
4 was the lead inspector, and there was a gentleman that
5 came with her. I don't remember his name.

6 Q. All right. Did you talk with them about anything
7 other than the complaint and the calculation that you
8 did, the calculation that was done since the complaint
9 about this April time period?

10 In other words, did you talk with her about any
11 other gas leaks than the one that was mentioned by the
12 person who called and complained?

13 A. I don't recall. She may have asked about is
14 there any other incidents there. I might have shown
15 them other reports that we had in our management central
16 system with the support calculations to go with them.
17 I'm not positive. I just know that I did address that
18 specific incident that she was talking about on the
19 night that she came out. And at some point, I don't
20 know whether during that visit or at another visit, she
21 asked about there was a complaint about opacity, that
22 the stack was smoking. And she asked about that and I
23 showed her our weekly reading that we had. She looked
24 at the stack, I think, through the cameras and -- but
25 I'm not sure if it was during that visit or maybe a



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 follow-up visit later on.

2 Q. Okay. When she asked you about whether there
3 were other incidents, did you talk about anything other
4 than -- or would you have talked about anything other
5 than incident reports that you actually had an incident
6 report for?

7 A. I don't know of any reason to talk about anything
8 other than what we had records of, you know.

9 Q. Okay. So it would be an incident report that
10 would have led you in your discussions if they went
11 beyond this particular event?

12 A. Yes.

13 Q. Okay. And would it have been the incident
14 investigational reports?

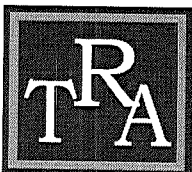
15 A. It would have been every record we had of any
16 incident, including this incident form that was
17 handwritten or the more formal management central
18 investigation report. It would be all that we have.

19 Q. What would be all that you have?

20 A. We would include everything that we had on any
21 incidents if she asked for that.

22 Q. Okay.

23 A. I'm not -- I'm not certain whether she asked for
24 anything other than that specific timeframe that she
25 came out at night and then came back during the daytime



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 a few days later. She may have just asked for that but
2 -- because we had a couple visits. You know, she came
3 back with a follow-up visit, I think, at some point and
4 asked -- at some point, she asked about the opacity as
5 well. So she may have asked -- at that timeframe asked
6 if there was any other incident reports that we would
7 have showed her.

8 Q. Other ones for opacity or other ones for these
9 leaks?

10 A. Either one.

11 Q. And you --

12 A. Because the complaints were kind of going back
13 and forth between supposedly opacity violations and
14 leaks, we would have, you know -- we would have probably
15 shown her either one.

16 Q. There was -- well, we can get to that later, but
17 there was one e-mail that talked about those things
18 together, if you recall that, from Jeff Simoneaux.

19 A. Okay.

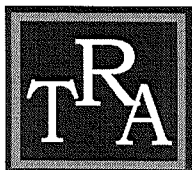
20 Q. Do you recall an e-mail like that?

21 A. No, I don't know that I do.

22 Q. Okay. But they're different issues; the opacity
23 is different from the gas leaks?

24 A. Right.

25 Q. And I guess if you gathered anything for Regina



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Faye Taylor, would she have copied it on-site and left
2 with it or would you have sent it by letter or would you
3 have gathered it for her to see while she was there or
4 how would that work?

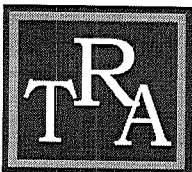
5 A. She looked at it while she was there. Most
6 likely she would have copied it and brought it with her.
7 I'm not positive. I don't recall.

8 Q. All right. And so I guess what I'm trying to
9 understand is that it seemed like the process would have
10 been a lot longer if she asked for more reports other
11 than the one that prompted her visit, other than the
12 incident that prompted her visit. It would have been a
13 longer meeting and you would have had to go gather paper
14 from a lot of different places; right?

15 A. I don't have -- that happened, you know, quite a
16 bit ago. I don't recall one way or another whether it
17 was a long meeting or a short meeting, whether I had to
18 gather a lot of information. I was just aware of a
19 specific incident she came out for. Whether she asked
20 for more information other than that one event there, I
21 don't remember during that visit, you know.

22 Q. Okay. Is there any other visit where you recall
23 her asking for more than -- asking about more than just
24 that one incident?

25 A. It may have been with the visit when she asked



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732

225.752.7308 FAX

New Orleans, LA
504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 about the opacity because that was in response to a
2 complaint as well.

3 Q. Okay.

4 A. She may have asked for information other than
5 just opacity during that meeting, but I cannot be
6 certain.

7 Q. All right. When you've talked with her since
8 you've been back at Eagle, have you talked about DuPont
9 at all?

10 A. No. I just -- I just have either run into her or
11 seen her name because she's now in a role as in the
12 permit section there that does not even deal with
13 inspection anymore. She's like a permit supervisor.

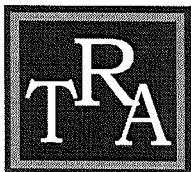
14 Q. Okay. Would you keep or would you keep at DuPont
15 a special folder or document in any way what DEQ looked
16 at when they came out?

17 A. They always left us with a copy of the -- like
18 the interview form. Pink or yellow copy, I can't
19 remember which one. They gave us a copy of that of what
20 they actually wrote down, so it would have been in the
21 files, yes.

22 MS. BARNEY:

23 Okay. I don't know that we have one for
24 that time period, 2012; do you recall?

25 MS. WATERS:



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Let me see.

2 THE WITNESS:

3 That would have been the normal thing
4 done, but I cannot recall whether she actually did that
5 for that visit or not. At some point, if she was called
6 out there, she would have had -- either that night that
7 she came out or that day when she followed up, she would
8 have had to have done some paperwork because --

9 MS. WATERS:

10 Yeah. We have September this year and
11 then November of this year. That's what we have.

12 MS. BARNEY:

13 I guess let's add that to the list, if
14 we could.

15 MS. WATERS:

16 We'll see what we can do.

17 BY MS. BARNEY:

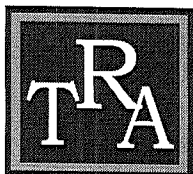
18 Q. Do you recall when Ms. Taylor came back during
19 the daytime when you met with her, was there anybody
20 else in the meeting with you?

21 A. Yeah. It was a gentleman, but I can't remember
22 who it was.

23 Q. Oh, I'm sorry. Anybody else from DuPont?

24 A. Oh, with DuPont? No. I think it was me.

25 Q. Okay. And you don't recall -- I'm assuming



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 because we already covered this pretty much -- where you
2 got the area of the hole to plug into the calculation
3 that you discussed with the DEQ representative in April
4 2012; right?

5 A. It would have to have been someone that actually
6 had eyes on it, one of the KBR guys or Gene Clemons or
7 maybe the KBR supervisor, somebody that actually had
8 eyes on it because by that time, it was covered up with
9 the vacuum hose.

10 Q. By the time --

11 A. The time that I would have got in in the morning
12 and started the investigation process or the
13 investigation process was started that next day and then
14 we plugged in the information on the calculation.

15 Q. But you don't recall specifically talking to any
16 particular person in gathering the area of the hole for
17 that report?

18 MS. WATERS:

19 Asked and answered.

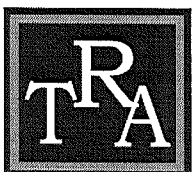
20 THE WITNESS:

21 Yeah. I don't have a specific name.

22 Just most likely the person would have been like Lonnie
23 Blanchard or somebody like that, or Gene Clemons.

24 BY MS. BARNEY:

25 Q. Do you have any idea whether in April 2012 there



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 was only one hole or crack in this equipment, the CIP,
2 the HIP, the converter, superheater?

3 A. I don't recall.

4 Q. Okay. Do you think, when you say you've done two
5 or three calculations, that those were done on different
6 days, different time periods?

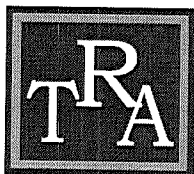
7 A. Yes. I would say they're most likely done at
8 different times.

9 Q. Okay. We talked a little bit -- well, we haven't
10 gone through them yet, but documents that you reviewed
11 before your deposition. Did you do anything else in
12 leading up to your deposition, meet with anybody, have
13 any conversations or anything like that?

14 A. No. I've talked to T.J., told him that I was
15 subpoenaed, asked him to -- if he could send me a sample
16 of a calculation. He sent me like one calculation. It
17 may have been this one or one of the other ones. And
18 then I talked to Ms. Waters. She agreed to send me
19 everything that you have here in the folder, and I
20 looked over that.

21 Q. Okay. What all did you and Mr. T.J. Osbun talk
22 about?

23 A. It was just kind of I guess mostly just caught
24 with up with him. But I told him I had -- caught up
25 with what was going on in each other's lives. I hadn't



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 talked to him in several months. I just told him that I
2 had been subpoenaed and I said I have not laid eyes on
3 anything concerning documents about leaks or anything
4 like that in several years and that I needed to see one
5 of those to kind of refresh my memory of what we're
6 talking about. So he sent me an example.

7 Q. Okay.

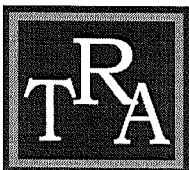
8 A. That was basically all the conversation that
9 particular day.

10 Q. Okay. And how many different times did you talk
11 to him?

12 A. I talked to him probably, you know, maybe once a
13 month or something like that since I've left because
14 there would be some opportunity for some work that maybe
15 we were doing out there that I need to coordinate, make
16 sure we could schedule our guys to go out there and do
17 the groundwater monitoring that I mentioned about. So
18 it's mostly him asking maybe where you could find this
19 report or that report, what did we do for this or what
20 did we do for that, you know. Nothing related to this,
21 other than the time I spoke to him several weeks ago
22 about this, asking him to give me this calculation and
23 telling him that I had been subpoenaed.

24 Q. Did he tell you what the case was about?

25 A. He told me that it was Jeffrey Simoneaux.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732

225.752.7308 FAX

New Orleans, LA
504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. What did he tell you what the case was about, if
2 anything?

3 A. He -- I don't even know if he mentioned it
4 because I kind of knew back when I was there that
5 Jeffrey was going to do this, was going to have some
6 kind of case against DuPont. And I've -- you know, I
7 just thought since I am not there anymore that I had no
8 involvement anymore. It I guess kind of surprised me
9 several weeks ago when you contacted me about this
10 because I haven't really thought about it a lot since
11 then.

12 Q. Okay.

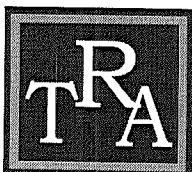
13 A. So we didn't really have to talk about the case
14 because, you know, we both knew that there was a
15 possibility that -- you know, that he was going to, you
16 know, be suing DuPont, but we didn't -- you know, I
17 didn't know what my involvement would be.

18 Q. Okay. Was there a certain place at DuPont where
19 these calculations documents would be kept?

20 A. On the server.

21 Q. Okay.

22 A. But I'm not sure where that is now. I can't
23 remember where we put them there, but they would have
24 been -- we had a folder in the server under
25 environmental that would have contained these and they



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 would be, you know -- there would probably one in there
2 that would be examples and there might be some in there
3 that were for specific incidents, so all of them would
4 be in the same place.

5 Q. Okay. Do you ever remember having the
6 calculation sheet actually attached to an
7 investigational report?

8 A. I thought they were, but I'm looking at these
9 reports here. I don't see a place for an attachment,
10 but that's what we used to do is put them on the --

11 Q. Okay. And you're looking at --

12 A. As an attachment.

13 Q. -- documents that you reviewed prior to your
14 deposition. I'm just saying that for the record.

15 A. Yes. Yes.

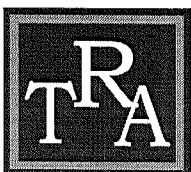
16 Q. Okay.

17 A. I don't see -- on this particular one, I do not
18 see a place for an attachment, but I believe there is a
19 way to attach a calculation for that, but I don't see it
20 in this printout of this report.

21 Q. Okay. So you're looking, just for the record, at
22 pages DSF 5 through 9; is that right?

23 A. Yes.

24 Q. Okay. And the date of that investigational
25 report is?



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. March 18th.

2 Q. 2012?

3 A. 2012, yes.

4 Q. Okay.

5 A. Normally, that would have been the procedure or
6 the normal would be to attach a calculation with the
7 report to support the numbers that you've put in the
8 report.

9 Q. And you remember doing that -- did you do that or
10 would that have been done by the person preparing the
11 investigational report?

12 A. It would have been done by the person preparing
13 the report.

14 Q. Okay. But you think in your time period at
15 DuPont you saw an investigational report that had one of
16 these calculations attached to it?

17 A. Best of my recollection, I thought that every one
18 that we did a report on, that we would have a
19 calculation --

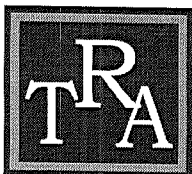
20 Q. Okay.

21 A. -- attached to it. That would have been the
22 easiest way to everyone to view that.

23 Q. To keep it together?

24 A. To keep it all together.

25 Q. Because the Excel spreadsheet for calculations



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 doesn't have a date on it; right?

2 A. Right.

3 Q. And it doesn't have an author or anything like
4 that?

5 A. Right.

6 Q. How would you get the calculation to the plant
7 manager who was doing the investigational report?

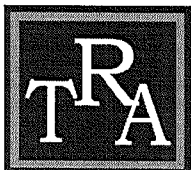
8 A. Most likely e-mailed it to him where I attached
9 it to an e-mail or I could have told him where it's
10 located on the server and get him to attach it there,
11 but most likely it was an e-mail that I would have sent
12 to him.

13 Q. Okay. After you would e-mail the calculation or
14 tell the plant manager where to get it, would you ever
15 go back and delete the calculation off the computer?

16 A. No. I wouldn't have any reason after I sent it
17 to him because the rest of the report was in his hands.
18 We would all review the report after he's completed it
19 to see if, you know, it was accurate and we agreed with
20 it and all that, but he would be the final -- the plant
21 manager would be the final approval for that report.

22 Q. If you reviewed the report, the investigational
23 report, would your name be reflected in the edit path of
24 the report or the review path of the report?

25 A. I think it would. I don't know. It may require



1 for you to have made a change or an edit to it for it to
2 show up.

3 Q. Okay.

4 A. But we were all -- operations manager,
5 environmental manager, Gene Clemons, the maintenance
6 manager, all of us would have looked at it. I'm not
7 sure whether our names -- I'm not sure exactly how the
8 report works, whether just because you've looked at it
9 does your name appear on the bottom. I don't think. I
10 think you would have to make an edit or change on it.

11 Q. Okay. Do you recall any specific meetings about
12 an investigational report while you were at DuPont?

13 A. Meetings about an investigational report?

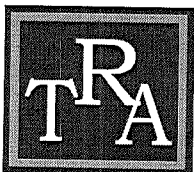
14 Q. These conversations you were talking about where
15 we would all get together and look at it, do you
16 actually recall one of those times?

17 A. There were times, but I don't know specific times
18 or specific incidents where they were done, but that's
19 normally how we would do it.

20 Q. So as you sit here, you can't think of any
21 conversations that you were involved in regarding an
22 investigation report at DuPont?

23 A. I know that they were -- we had some, but I can't
24 give you specific times --

25 Q. Or what was said I guess --



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. -- or details.

2 No.

3 Q. All right. This investigation report that you
4 looked at before your deposition, the one Bates labeled
5 5 through 9, I guess we'll go ahead and mark that as
6 Exhibit 4.

7 MS. WATERS:

8 Four.

9 (Whereupon Exhibit No. 4 was marked for
10 identification.)

11 BY MS. BARNEY:

12 Q. I think on Page 9 your name is listed in the
13 trail of people that had I guess an edit or a review or
14 something of that report; do you see that?

15 A. Yes.

16 Q. Do you recall this particular report and any
17 edits you may have made to it?

18 A. No, I don't.

19 Q. Do you think you've ever seen that report before?

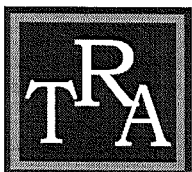
20 A. Oh, yeah, but I don't recall the details of it.

21 Q. Okay. Have you ever completed what's called an
22 initial incident report?

23 A. No. Though were --

24 Q. A form that looks like this (indicating).

25 A. Those were created -- I think were created for



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 the control room. Put those in the control room for any
2 incidents, that the operators could fill out those forms
3 and those took the basic information.

4 Q. Okay.

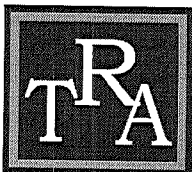
5 A. I would not -- I may have done that on them, but
6 I know we have gone -- we have done them both ways where
7 that wasn't in place probably until Tom Miller came on
8 board and I forgot what year he came. So he initiated
9 that process, that form, and then we started using
10 those, so it's possible I could have used some. I don't
11 recall whether I did. And we probably got incidents
12 where we had an incident and we didn't have a form for
13 it, so...

14 Q. If you had an investigational report for some
15 incident, would you always have an initial incident
16 report to go with it, as far as you know?

17 A. That was what the plant manager wanted to have.
18 When he started -- he initiated that system for doing
19 that, that's what he wanted to do. To say that they did
20 that every time, I could only guess. I would think that
21 probably certainly before he initiated that, they didn't
22 have that.

23 Q. Okay.

24 A. But after he initiated having that form filled
25 out, he wanted one done for every one there. So it was



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 a good possibility that I did fill out one of those
2 before, but immediately used that information to do a
3 report in management central.

4 Q. Okay. And so I guess what you're saying is
5 before Tom Miller started directing everybody to use the
6 initial incident report, there may have been an
7 investigational report that didn't have a corresponding
8 initial incident report.

9 A. Right.

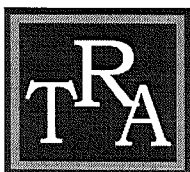
10 Q. Is that what you're saying?

11 A. It would have gone right into MITC without having
12 that information, so you would have to gather data,
13 gather information, you know, by e-mail or paper or
14 whatever like that other means. You didn't have a
15 formal formatted form for that.

16 Q. Okay. And the initial incident report did not go
17 on the management central system; right?

18 A. No, not that I'm aware of. It doesn't mean that
19 they couldn't have attached it to that if they wanted
20 to, but normally that was just for starting the
21 investigation to get it going and then gathering the
22 information that went into the more formal incident
23 report that we put where everybody could see it.

24 Q. Do you ever remember an investigational report
25 process where you actually sat down with the operators



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 involved who had made the initial incident report?

2 A. I can't give you specific, you know, what dates
3 or details would have been, but, yes, I would have some
4 incidents I had to talk to the operators about that,
5 so...

6 But I don't recall a specific date and time or
7 details about the incident.

8 (Whereupon Exhibit No. 5 was marked for
9 identification.)

10 BY MS. BARNEY:

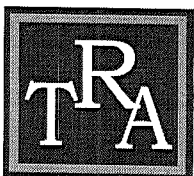
11 Q. I guess we'll just attach it. I'll show you
12 Exhibit 5 since we were talking a little bit about
13 initial incident reports, and these documents -- let's
14 see. The Bates labels are consecutive. It starts 68
15 and goes through 82, but they're in date order. So
16 Bates number page 80 is out of order, but that's the
17 range that's covered by Exhibit 5, and I'll ask you to
18 take a look at these.

19 Is this the initial incident report form that you
20 were talking about that Mr. Miller sort of encouraged?

21 A. Yes.

22 Q. Okay. If you look down on -- it says
23 environmental deviation. I think it's the third block
24 from the bottom on the form.

25 A. All right.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. You see that spot?

2 A. Yes.

3 Q. Okay. Did you have to be involved in the answer
4 that got put in that block on every initial incident
5 report?

6 A. Yes.

7 Q. All right. So if the operator prepared one of
8 these and no investigational report was ever prepared,
9 you were still involved in figuring out what to put in
10 that spot?

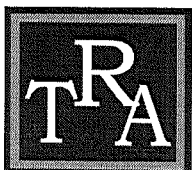
11 A. Yes.

12 Q. Okay. Is that true for the whole time you were
13 at DuPont when these forms were being used, or did that
14 start at some point?

15 A. We probably did not have a formal way to document
16 that like we did on this form right here until this was
17 initiated, but that question had to be answered whether
18 it was an environmental deviation or not. It was done
19 either verbally, or, in this case, with these reports,
20 it was done, you know, a written report.

21 Q. Okay. So every time there was an initial
22 incident report, the document itself would make it to
23 you or would somebody just talk to you or what? In
24 order to get the answer to that --

25 A. Combination of both. Probably the question was



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 asked to me, for instance, Elizabeth Cromwell was
2 filling out this report, she would ask me that question,
3 was it an environmental deviation. And I would either
4 respond or she'd send me a copy of the report and I'd
5 complete that part of it or, you know, it's probably
6 both ways.

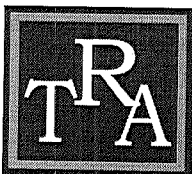
7 Q. And how would you know what to put right in
8 there, none, no, N/A; how would you know what to put
9 there?

10 A. Well, it depends on what the circumstance was,
11 whether there was a violation of our permit, if we were
12 violating a regulation, so it's based on my experiences
13 as environmental manager.

14 Q. Okay. Would you look at this from the Title 5
15 aspect whether you were violating the permit Title 5 or
16 anything?

17 A. No. Anything. I mean, we were looking at
18 whether you were exceeding the Title 5 requirement,
19 whether you were -- you had a release, whether there was
20 a potential reportable quantity that you may have
21 exceeded; were there, you know, any further reporting
22 that had to be done. It would look at all of the
23 aspects, you know.

24 Q. Okay. And so it's your testimony that you did
25 that for every one of these initial reports that we've



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 attached as Exhibit 5?

2 A. To the best of my recollection, I would say yes.
3 The only exception I would say is there's one that's
4 handwritten that there's just a question mark there, so
5 it doesn't appear that that was ever -- that question
6 was ever answered on this, on 71.

7 Q. Okay. Page 71, and it's dated 5/14/2012?

8 A. Yes.

9 Q. Is there a difference between when the form says
10 "no" versus when it says "N/A," or maybe none of these
11 say "N/A"?

12 A. I see "no" and "none". Yeah, I see "none" and
13 then "no". I didn't see an "N/A".

14 Q. Okay. If you look on Page 81, which is dated
15 August 31, 2012, by that time, you're no longer employed
16 at DuPont; right, August 31, 2012?

17 A. No, I'm not.

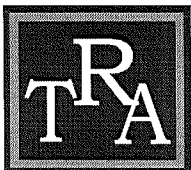
18 Q. And that environmental deviation is left blank;
19 right?

20 A. Yes.

21 Q. Do you ever recall putting a "yes" in the
22 environmental deviation block of an initial incident
23 report?

24 A. Yes, but it would not have been air related.

25 Q. Okay. All right. And you obviously didn't do



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 calculations for every one of those incident reports;
2 right?

3 A. No.

4 Q. The calculations we were talking about earlier.

5 A. I'm almost positive, no, I wouldn't have done it
6 for every one of these.

7 Q. And you weren't necessarily at DuPont at night
8 whenever these reports were done at night; right?

9 MS. WATERS:

10 Object to form. That's assuming there
11 are any.

12 MS. BARNEY:

13 Well, let me just start over.

14 BY MS. BARNEY:

15 Q. How often were you at DuPont at night from, say,
16 December 2011 until July 2012?

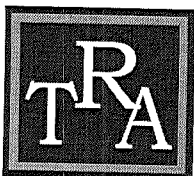
17 A. It was rare that I was at night.

18 Q. All right. So you would -- to the extent these
19 reports are at night, you would not have been physically
20 present at the time of the incident, as far as you know?

21 A. Most likely not.

22 Q. There's one, I think Page 79, that says it's at
23 10:10 a.m.; do you have any specific recollection about
24 that incident?

25 A. No.



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. Okay. That was about a week before you left, I
2 think; right?

3 A. Yes.

4 Q. If you weren't physically there during the
5 incident and you didn't do any calculations, what
6 information would you rely on in putting a "no" on
7 environmental deviation or a "none" on these forms?

8 A. Talking with the persons who had actually
9 witnessed the leak, talking to the operator or their
10 supervisor.

11 Q. So you may have talked to, like, Elizabeth
12 Cromwell?

13 A. Yes.

14 Q. Do you ever recall speaking with Leo Scott about
15 a gas leak?

16 A. I may have, but I don't remember. I don't know.

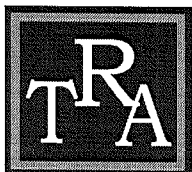
17 Q. Okay. What about Jeff Simoneaux; do you ever
18 recall speaking with Mr. Simoneaux about a gas leak?

19 A. I probably did, but I can't recall specifically
20 what the details would have been.

21 Q. What about Terrence Johnson; do you ever remember
22 speaking with Terrence Johnson about a gas leak?

23 A. I don't have specific recollection of talking to
24 him.

25 Q. Okay. What about Allen Williams; can you recall



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 speaking with Allen Williams about a gas leak?

2 A. I can't remember any specific details of...

3 Q. What about Kent Templet; do you ever recall
4 talking to Kent Templet about a gas leak?

5 A. I may have, but, again, I don't have any specific
6 time, date.

7 MS. BARNEY:

8 Would y'all like to take a little lunch
9 break?

10 (A recess was taken.)

11 BY MS. BARNEY:

12 Q. All right. Mr. Long, we're back on the record.
13 Let me show you a document that we'll mark as Exhibit --
14 it's actually a group of documents all around the
15 March 18, 2012 time period. I'll say for the record the
16 exhibit labels at the bottom of the documents that are
17 in Exhibit 6 refer to exhibits to the complaint in this
18 case, although they're also, I think, documents that are
19 Bates labeled.

20 MS. WATERS:

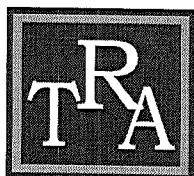
21 Sixty-six.

22 MS. BARNEY:

23 Sixty-six and 67.

24 MS. WATERS:

25 You have several attached to here that



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 are the same, so there are 66 that are attached to
2 there.

3 MS. BARNEY:

4 Okay. For the record, Exhibit 6 has at
5 the bottom an Exhibit G label, which is Exhibit G to the
6 original complaint in this case, and then Exhibit H,
7 which is the same, an exhibit to the complaint, and then
8 the third page is Bates number DSF 66. Next page is
9 Exhibit I to the complaint. The next page is DSF --
10 actually, scratch that. That's the last page of the
11 exhibit. You're right. I have a couple of these, so
12 it's a four-page exhibit.

13 (Whereupon Exhibit No. 6 was marked for
14 identification.)

15 BY MS. BARNEY:

16 Q. Do you recall ever seeing any of the pages that
17 are in Exhibit 6 before?

18 A. Let's see. This first page was the -- looks like
19 a shift log. I don't recall that one. I think I do
20 recall seeing the incident report.

21 Q. The handwritten version?

22 A. Handwritten, Exhibit H, and then the typed up
23 one, Exhibit I.

24 Q. Okay.

25 A. And the -- you're saying the other ones like the



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 other two pages that are attached but not marked as
2 exhibits are copies of that.

3 Q. Oh, let me see if that's...

4 MS. BARNEY:

5 Let's go off for one second.

6 (A conversation was held off the record.)

7 BY MS. BARNEY:

8 Q. We're going to add to Exhibit 6 Bates Page Number
9 67 as the last page which is just another copy of the
10 document that has Exhibit I at the bottom. It's just
11 the one that has the Bates number so we're just doing
12 that for clarity purposes.

13 Okay. Mr. Long, so you thought maybe you haven't
14 seen the document that has Exhibit G at the bottom, but
15 you may have seen the one that has Exhibit H?

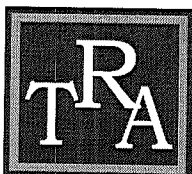
16 A. I'm almost positive I've seen H and I.

17 Q. All right. And what makes you remember seeing
18 those?

19 A. Just in the form -- a lot of times I -- well, I
20 never didn't get -- the only reason I would get the
21 shift log was because Elizabeth Cromwell or maybe one of
22 the other operators would forward that to me. I didn't
23 have the access to the shift logs.

24 Q. Okay.

25 A. It would have -- somebody would have had to print



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 it out and give me a copy of it for me to see it, and I
2 don't remember in this particular case whether I saw
3 that or not.

4 Q. In the shift log that you're referring to, which
5 is the first page of Exhibit 6, Exhibit G of the
6 complaint, it says -- this is, I guess, Mr. Simoneaux
7 writing. It says, "Got in touch with Kerry Long who
8 advised the contact, Mark, to get some guys to come look
9 at the leak as long as we have some doubt as to whether
10 it was going off-site."

11 Do you recall a conversation like that with
12 Mr. Simoneaux around March of 2012?

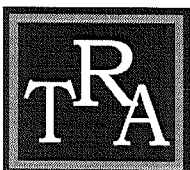
13 A. Yeah, seems like I do. I don't see what the time
14 of this one was. I assume this was at night, 8:19 at
15 night. Yeah, I recall a conversation with him along
16 that timeframe, but I don't recall the details, what was
17 said.

18 Q. Okay. So you remember getting a call from him at
19 home?

20 A. Yes. Yeah.

21 Q. Okay. How many times do you recall ever getting
22 a call from an operator at home about a gas leak?

23 A. I think that was the only time. Normally, they
24 would have gone through their supervisor, who would have
25 called me. Elizabeth Cromwell would have called me, and

**TORRES REPORTING & ASSOCIATES, INC.**

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 I think I remember him saying something about he didn't
2 feel comfortable about telling the plant manager about
3 it or he had already spoken -- I don't know the
4 circumstances, whether Elizabeth was not available to
5 call her first or he didn't feel like he should call the
6 plant manager, but he called me. I don't remember all
7 of the details about that, but he felt like he needed to
8 call me rather than go through Elizabeth or go through
9 the plant manager, then they would have contacted me.

10 Q. Yeah. And right here it says that he tried to
11 call Elizabeth and got --

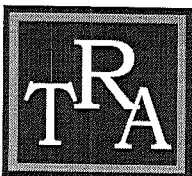
12 A. She didn't --

13 Q. -- got no answer.

14 A. Yeah.

15 Q. And so that might be consistent with what you
16 remember?

17 A. Yeah, that's about the only thing I remember. I
18 thought it was kind of maybe unusual because normally he
19 would have contacted her and she would have contacted
20 me, you know, about that, but he certainly -- any of
21 them could have certainly contacted me directly. There
22 wouldn't have been a problem with it. But he just
23 seemed to -- I seem to remember him saying something
24 about him not being able to contact Elizabeth when I
25 asked whether she knew anything about it and whether



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 anybody in maintenance knew anything about it so they
2 could go ahead and begin mitigating the leak, you know.

3 Q. Okay. And he may have mentioned at that point
4 that he was worried about the plant manager's reaction?

5 MS. WATERS:

6 Object to form.

7 THE WITNESS:

8 I think he made some comment about it.
9 I don't know specific of what he said, but I think he
10 was concerned about him being able to talk to him about
11 it.

12 BY MS. BARNEY:

13 Q. Okay.

14 A. I don't know what that was in reference to.

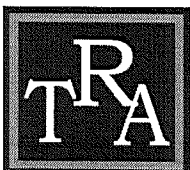
15 Q. So you don't have any more or are you familiar at
16 all with a conversation between Mr. Simoneaux and the
17 plant manager one evening about Mr. Miller telling Jeff
18 Simoneaux not to put things in writing about leaks and
19 that sort of thing that...

20 A. No.

21 Q. That doesn't ring any bells for you?

22 A. I was not -- if that conversation occurred, I was
23 not privileged to that.

24 Q. And you didn't hear about it sort of through the
25 grapevine or anything?



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. Not that I recall.

2 Q. Okay. So when do you think you saw the document
3 that's got Exhibit H at the bottom?

4 A. I would have seen that probably the next day.
5 This happened on the 18th, the night of the 18th. I
6 would have seen that probably in the morning of the
7 19th.

8 Q. You remember seeing it or are you just thinking
9 that you probably did?

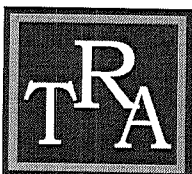
10 A. I don't remember specifically that I saw that.
11 I'm just thinking that that's most likely when I would
12 have seen it because that was not -- I mean, this would
13 have been the day afterward that Jeff would have written
14 this up. No, I don't have specific recollection that
15 this document was my -- was in my hands on the 19th.
16 I'm just --

17 Q. Uh-huh.

18 A. I'm just guessing that that's probably when I saw
19 it first.

20 Q. Do you recall what you did once you saw this
21 handwritten document?

22 A. Well, the first thing I would have done that
23 morning when I first got out to the plant, which would
24 have been fairly early, would have been to go ahead and
25 look at the area that they were talking about to see if,



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 in fact, the leak had been controlled.

2 Q. Because you had been called at home the next --

3 A. Yeah. I was called the previous night, so I
4 would have looked at it the next morning. I don't know
5 what day of the week this was, the 19th.

6 Q. And so do you have any recollection of actually
7 going out to leaking equipment and looking at it after
8 getting that call from Mr. Simoneaux?

9 A. I would have done...

10 Q. You think you did?

11 A. Yes. I would have done that --

12 Q. But do you have any --

13 A. I don't know any specific details about that
14 time.

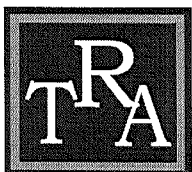
15 Q. Okay. That was just your practice is to go out
16 and check if you hear about a problem?

17 A. Yes.

18 Q. Okay. Do you --

19 A. And it would have been my practice to even, when
20 we didn't have a problem, to go look at that equipment
21 to see if there's any problems because we had several of
22 those vacuum hoses on there. I wanted to make sure they
23 were taking care of the leaks that were on there, so...

24 Q. Was that your job at DuPont was to go around and
25 make sure that the hoses, the black plastic hoses were



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 not melting down or having problems?

2 A. No. That's more of the operations or
3 maintenance-type activities, but I, as a matter of
4 practice, would just do that to make sure that that was
5 not -- somebody had missed something or something just
6 happened that nobody had caught yet.

7 Q. Okay. And how often would you do that?

8 A. Daily.

9 Q. What time of day --

10 A. Maybe several times a day.

11 I usually made a -- you know, after daylight, I
12 would make a round early in the morning, probably after
13 our morning meeting, somewhere around 7, 7:30, and then
14 I would make, you know, at least one other round in the
15 afternoon where I went through the whole plant and
16 looked at, you know, whatever caught my eye, you know.

17 Q. Okay. Do you know how to identify SO3 gas during
18 the day in the air?

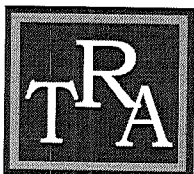
19 A. I've seen it before. Only based on past
20 experience about how it reacts when it hits the moisture
21 in the air.

22 Q. Okay.

23 A. It makes kind of a dense vapor.

24 Q. All right. Where have you seen that vapor?

25 A. Well, a number of places. I've seen it, you



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

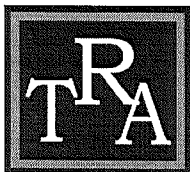
1 know, at the plant before when that SO3 -- if you have a
2 leak like that, I've seen it before, but also there was
3 the -- every couple of years, they would take -- people
4 go out to the desert and practice releases where they
5 would dump, you know, SO3 or Oleum and watch it react
6 with the atmosphere and then they would mitigate the --
7 it was a spill that they would actually do out in the
8 desert and learn how to -- how do you mitigate those
9 spills. I've seen it out in the dry climate before,
10 which didn't react quite as much as it would in a wet
11 climate like Louisiana, so, you know, I've seen it where
12 they dump huge quantities of it.

13 Q. Okay. And when they did that in the desert, did
14 they figure out how far the gas traveled from the small
15 spill?

16 A. Well, yeah. They had to make sure that they were
17 doing -- releasing it where everybody was upwind of it,
18 and this was a real remote area. This was a test site
19 in Nevada, so there was not any public around there for
20 probably dozens of miles.

21 Q. And didn't they document that it traveled like
22 eight miles or something, the gas, the SO3 gas?

23 A. No. I don't know that they've ever documented
24 that it traveled that far. I know you couldn't -- it
25 would get hundreds of feet downwind like that, you



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 couldn't see it anymore because it had dissipated. It
2 had accumulated all of the moisture that it was going to
3 get and then it would drop to the ground by then, you
4 know. Certainly, I mean, they were talking about they
5 would dump hundreds of pounds of this and it would go,
6 you know, probably three or 400 feet before it would
7 actually disappear and you couldn't see it anymore.

8 Q. All right. You said you went out after seeing
9 this handwritten incident report the next day. What did
10 you find? Do you have any specific recollection of
11 doing that, actually going out to the plant after being
12 called at home by Jeff Simoneaux? Do you remember
13 actually being at the plant that next day?

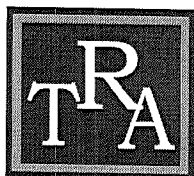
14 A. To the best of my recollection, I was there, and
15 I don't have specific details about what I did, what I
16 looked at, what I might have observed there regarding
17 this incident, but that would have been my practice to
18 go out there and actually put my eyes on it to see it in
19 the daylight.

20 Q. Did you do any report or anything after doing
21 that if you, in fact, did that?

22 A. No.

23 Q. Any particular reason why?

24 A. Because the report would already have been
25 initiated with the incident report and I would have been



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 following up maybe observation that I may have put in
2 the MITCI management central report when it was issued.
3 I might have made some comments in there, but the
4 details that were in the incident report were -- I
5 assumed that I said that they were, you know, accurate
6 or -- I don't have any reason to add or take away from
7 that so I wouldn't have done a separate report for that.

8 Q. The other two documents -- well, before I move on
9 -- I'm sorry. The handwritten page with Exhibit H at
10 the bottom says under brief description of known facts,
11 "SO3 leak crossing fence line toward Ormet making
12 nightly security perimeter inspection as per Homeland
13 Security regs. Noticed that the leak was getting
14 off-site. Truck would not move. Stuck in the mud."

15 Is that what you see right there on Exhibit H?

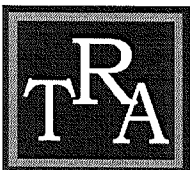
16 A. Yes.

17 Q. Okay. And under environmental deviation, it
18 says, "SO3 release contacted Kerry Long and Elizabeth
19 Cromwell and crew fix the leak."

20 And that's prepared by Jeff Simoneaux; is that
21 right, as far as you can tell?

22 A. Yes.

23 Q. Okay. Do you know how there came to be typed
24 initial incident reports that are the next two documents
25 in the package that is Exhibit 6 to your deposition?



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 And that would be Bates Page 66 and 67.

2 A. I don't know what the basis is for that, but I
3 would assume that they were just adding some details
4 from their own perspective about what had happened, like
5 Gene Clemons was making a remark about what was actually
6 leaking on the CIP. And I don't know the reason for
7 Elizabeth Cromwell for her doing her report.

8 Q. And she says, "Environmental coordinator
9 responded first. Advised the contact, Mark, if gas leak
10 was going off-site." That's on Exhibit I or Page 67.

11 A. Yeah.

12 Q. And so she was referring to you there?

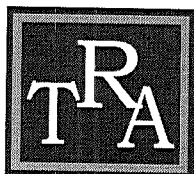
13 A. Yes.

14 Q. Okay. Do you know why the typed version that
15 Gene Clemons did says the gas is not traveling past the
16 fence line, although the report from the operator said
17 that it was?

18 A. I don't know. I couldn't answer. I don't have
19 any knowledge why there was a difference there or not.
20 I know that if it was -- if there's a gas leak going
21 off-site, that it's the operator's responsibility to
22 reduce the rates or shut the plant down.

23 Q. If it's going where?

24 A. If a leak is going off-site, it's his
25 responsibility to reduce the rates until the leak is



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 diminished or shut the plant down. He has the authority
2 do to that.

3 Q. And that's the way it was, at least up until
4 February 1 of 2012?

5 MS. WATERS:

6 Object to form.

7 THE WITNESS:

8 Yeah.

9 BY MS. BARNEY:

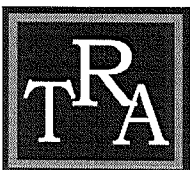
10 Q. Do you know whether or not it changed February 1
11 of 2012?

12 A. I was never made aware, even in my conversations
13 with the plant manager, that anyone in operations could
14 not do that.

15 Q. Okay. So you don't recall a situation where Jeff
16 Simoneaux got permission from his supervisor to cut the
17 rate back on the plant, but Tom Miller came out to the
18 plant and overrode that decision and told him to stop
19 cutting it back?

20 A. I'm not aware of that.

21 Q. Okay. The same typed document that is Bates Page
22 66 has "N/A" written beside environmental deviation,
23 although the handwritten version said SO3 release. Do
24 you know how the "N/A" got put on the typed version on
25 Page 66?



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. No, I don't.

2 Q. N/A is not something that you would have used?

3 A. No. I would have put no -- you know, if was not
4 an environment deviation, I would have put no or yes.

5 Q. Earlier, I think I asked you if you've ever put
6 yes, but you said no, you --

7 A. Not on any air incidents. I recall only one
8 there was an incident involving a spill at the water.

9 Q. Okay. Now, Exhibit I, which I think is also
10 Bates Page 67, prepared by Elizabeth Cromwell has a
11 "none" in the environmental deviation section. Do you
12 think you had any involvement with that, putting the
13 "none" there?

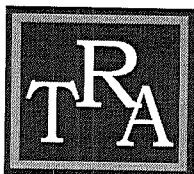
14 A. She may have asked me the question. I mean, I
15 didn't fill the report out, so she would have had to --
16 you know, if she asked me the question, she would have
17 been doing it in response to what my answer was.

18 Q. You just don't have any specific recollection
19 about that?

20 A. No.

21 Q. Do you have any specific recollection of doing a
22 calculation of a gas leak in March 2012?

23 A. Don't remember unless it's within one of these
24 ones that you've shown me. I don't remember or if you
25 find something that's dated in the files of the



1 calculation that was attached to a report. I don't
2 remember.

3 Q. Okay. I want to show you a document that's Bates
4 labeled DSF 5 through 9.

5 MS. WATERS:

6 It's already an exhibit.

7 MS. BARNEY:

8 It's already in there?

9 MS. WATERS:

10 Yes.

11 BY MS. BARNEY:

12 Q. That would be Exhibit 4 and ask you to look at
13 Exhibit 4, please, one more time, and this -- is this
14 one of the documents you reviewed before your
15 deposition?

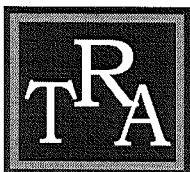
16 A. Yes, I believe so.

17 Q. Yes, because that's your name on Page 9 and I
18 recall us talking about that.

19 Okay. Under the brief description of known
20 facts, it says, "Operations called maintenance to report
21 a gas leak on the CIP."

22 Based on the incident report we saw on Exhibit 6,
23 they actually called you; is that right?

24 A. If I remember right, I told him to speak to Mark,
25 which would have been maintenance in this case, to come



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 out there and to do whatever he needed to do to make
2 sure that the leak was not getting worse.

3 Q. All right. So do you recall whether this
4 originally said operations called environmental
5 coordinator and then you edited it to say that they
6 called maintenance?

7 A. I didn't edit it because I didn't prepare this
8 report.

9 Q. Okay. Even if you don't prepare it, you can make
10 edits to it; right?

11 A. Yes, but we would have done that -- done that
12 with discussions with each other, what needed to be
13 edited on the report that was not accurate.

14 Q. Okay. If you look at Page 9 where it has your
15 name under the status edit tracking, it actually says
16 Tom Miller for Kerry Long; right?

17 A. Yes.

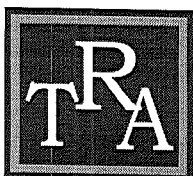
18 Q. So you may or may not have seen this document?

19 A. I believe I saw it. I cannot answer with
20 certainty that I saw it, but I believe I saw it.

21 Q. Okay.

22 A. And he would have done the -- any updates. He
23 was saying here that he would have done that for me.

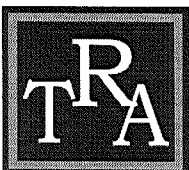
24 Q. What does that mean when he says he's doing
25 something for you; do you know?



1 A. Well, it has to be -- these incident reports have
2 to go through whoever may look at the reports for
3 review. I think he was just answering for me that it
4 went through whatever status or -- it was in -- you had
5 to -- it was issued -- report's issued and then there
6 was another status it went into where it's like under
7 review and then when it's complete and ready for -- to
8 be finalized, the different stages it goes through, he
9 can do that for me. For instance, if I was involved in
10 something else, if I tell him that I approve the report,
11 he would just go in there and approve that for me,
12 whatever -- bring it to the next stage of completion.
13 So I'm not sure what those details were about that or
14 why he was doing that for me in this particular case,
15 but...

16 Q. So if you had any edits that you wanted to make
17 to the report, you could have conveyed those verbally to
18 Tom Miller and then he could have made them and put for
19 Kerry Long?

20 A. Yes, because he would have been the one that I
21 think initiated this particular report. Yeah, created
22 by Thomas Miller. So I would have conveyed those to him
23 if there were any edits or he might just be I said I was
24 fine with the report as it was and he was just moving it
25 to the next stage in the process.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. Okay. As the plant manager, if he wanted to make
2 changes after you saw the report, he was free to do
3 that; right?

4 A. I don't know of anything that would restrict
5 anyone from going in and making changes on it that had
6 access to this system.

7 Q. Okay.

8 A. So I guess anyone -- any of us could have done
9 it, even after the report is final.

10 Q. Until it's actually submitted into the system?

11 A. Right. Right. Then after submitting it into the
12 system, you make -- in fact, when it becomes a final
13 report like that, if you go back and make edits, all of
14 that is going to be, tracked anyway, through that.

15 Q. So through here, we only see Tom Miller making
16 the edits on Page 9?

17 A. Looks like that's the case, yes.

18 Q. So you don't know -- and I think we've covered
19 this, but you don't know whether you made any edits or
20 not after you saw this report?

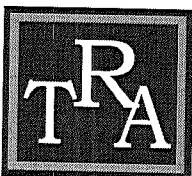
21 MS. WATERS:

22 Asked and answered.

23 THE WITNESS:

24 No.

25 BY MS. BARNEY:



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. And, actually, this report on Page 5, Bates
2 Number 5, it just basically skips the step where the
3 operations called you and you told the operator,
4 Mr. Simoneaux, to call maintenance. It just kind of
5 goes straight from operations to maintenance; is that
6 right?

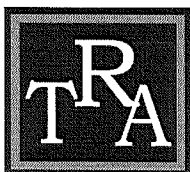
7 A. Yeah. I don't see any mention of operations
8 calling me on this.

9 Q. Okay. All right. And then under the brief
10 description of known facts, it says, "It was discovered
11 that the vacuum box had corroded" -- "vacuum box insert
12 had corroded. Therefore, we lost vacuum at that point.
13 It was reported that the gas was not traveling past the
14 fence line."

15 I guess the investigation would have occurred
16 after the leak, sometime after the leak; is that right,
17 if it says upon investigation, it was discovered?

18 A. And the question again, please.

19 Q. Well, it's just a timing issue. It looks like --
20 I'm a little confused about the timing. "The operators
21 called maintenance" is what it says and then it says,
22 "Upon investigation, it was discovered that a vacuum box
23 insert had corroded. We lost vacuum. And then it says,
24 "It was reported that the gas was not traveling past the
25 fence line."



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 It seems like in timing-wise that second sentence
2 probably had to happen after the incident; right, when
3 somebody went to go check on it?

4 A. Yeah. It would have had to have been done at
5 least by when maintenance was there to do what they
6 needed to do to mitigate the leak. So it would either
7 have been their observation when they came out that
8 night or perhaps the next day when Gene Clemons actually
9 put his eyes on it that that observation would have
10 been.

11 Q. About the vacuum box?

12 A. About the vacuum box.

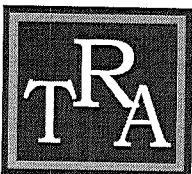
13 I mean, that's just -- that's just my estimation
14 of what happened. I don't necessarily know that I got
15 all of the facts and details about that correct.

16 Q. Okay. Do you have any knowledge as to why the
17 box that's called "Brief description of known facts" on
18 Page DSF 5 does not include the facts that are listed on
19 Exhibit H to Exhibit 6 of your deposition?

20 A. No. No, I don't know.

21 Q. Okay. If you look at the document we've marked
22 as Exhibit -- we haven't marked it yet, have we, the one
23 we are talking about, Bates Pages 5 through 9? Oh, yes,
24 we did. It's Exhibit 4.

25 If you look towards the bottom of Page 5 of



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Exhibit 4, it says, "HTM chemicals released." What does
2 HTM stand for?

3 A. HTM, the first word is hazardous and I'm trying
4 to remember. It's a nomenclature that's used in this
5 reporting system and let me see if that's explained
6 somewhere else in the report. I'm not sure what it
7 stands for.

8 Q. And you don't know what HTM chemical means?

9 A. I forgot what it means.

10 Q. Okay. Is it a highly toxic material?

11 A. Could be.

12 Q. Which is listed on Page 6?

13 A. Yeah.

14 Q. The column at the top by the little A. Oh, there
15 it is. It's defined as HTM. It's on Page DSF 6.

16 MS. WATERS:

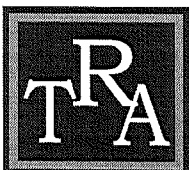
17 Next page right there.

18 THE WITNESS:

19 Yes.

20 BY MS. BARNEY:

21 Q. So it says, "Which highly toxic chemicals are
22 released?" On Page 5, it asks that question, "HTM
23 chemicals released, select all that apply," and over on
24 the right next to that entry, it says, "Sulfur dioxide";
25 is that right?



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. Yes.

2 Q. Do you have any idea why this investigational
3 report says sulfur dioxide, although Exhibit 6 to your
4 deposition, the page that's labeled Exhibit H at the
5 bottom, says SO3 was released?

6 A. I'm not following. Where does it say that SO3
7 was released?

8 Q. Okay. If you look at Exhibit 6 to your
9 deposition, this one page that's marked Exhibit H to
10 that Exhibit 6, under chemical released, it says SO3;
11 right?

12 A. Uh-huh.

13 Q. Is that a yes?

14 A. Under -- I see that in the written incident
15 report that SO3 is the chemical that he says is
16 released.

17 Q. Okay. And on Page 66 of Exhibit 6 says SO3
18 again; right?

19 A. Where is the location again?

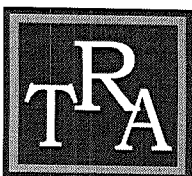
20 Q. On Page 66 of Exhibit 6.

21 MS. WATERS:

22 Bates number 66.

23 BY MS. BARNEY:

24 Q. It says SO3 -- actually, it says, "Small amount
25 of SO3" is what Gene Clemons wrote.



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. Uh-huh.

2 Q. Is that right?

3 A. Yes.

4 Q. Do you have any idea why the document that's
5 Exhibit 4 to your deposition, Bates Page 5, doesn't list
6 sulfur trioxide; it only lists sulfur dioxide?

7 A. It's actually a mixture of gases, sulfur dioxide
8 and sulfur trioxide, but contained in air. So a mixture
9 of air, sulfur dioxide and sulfur trioxide and depends
10 on what -- where the leak is at is what the
11 concentration is for each one for -- do we have
12 calculation -- do we have a calculation for that
13 particular one for the CIP gas leak?

14 Q. Well, just to clarify for the record, on Page 5,
15 sulfur trioxide is not listed; right, just sulfur
16 dioxide?

17 A. Right.

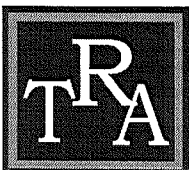
18 Q. Okay.

19 A. And according to this calculation here for the
20 CIP on the cold side there, concentration of SO₂ was 1.0
21 and SO₃ concentration was zero.

22 Q. What document are you looking at now?

23 A. This one, the calculation for that.

24 Q. Oh, it's a document we haven't even talked about
25 yet; right?



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. Okay.

2 Q. Is this somehow, Bates Page 1017 -- do you think
3 that this document you're referring to now, Bates Page
4 1017, has anything to do with this March 2012
5 investigation report?

6 A. It's talking about the same type of leak there so
7 I assume that this is the calculation for that.

8 Q. But you have no idea; right?

9 A. No.

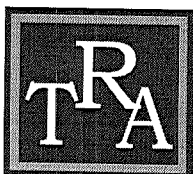
10 Q. So let's stick to Exhibit 4.

11 A. I guess what my -- what my answer was, that
12 depending on where it's found -- the leak is found in
13 the HIP or the CIP, the concentration of SO2 and SO3 can
14 vary, but it is a mixture of gases. And in some places,
15 you don't have any SO3 at all. The only thing you have
16 is SO2, sulfur dioxide, gas there in the air, and other
17 places you have concentrations of both of those so...

18 Q. And I guess I would just move to strike that as
19 nonresponsive, which is just a legal thing that we do
20 with a deposition.

21 My question is do you know why there would be SO3
22 written -- well, let me strike that and start over.

23 According to Exhibit 6, the page that's labeled
24 Exhibit H at the bottom, the operator saw a leak on
25 March 18th, 2012; is that right?



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. That's what he's saying.

2 Q. So if he saw a leak, a gas leak, then he was
3 seeing SO3; right, because you can't see SO2? So out of
4 SO2 and SO3, he's seeing SO3?

5 A. But if there's no SO3 in that particular spot
6 where it's leaking there, then he cannot be seeing SO3.
7 That's what I'm saying. Some parts of there, there's no
8 SO3 in that equipment there because it is already been
9 absorbed in the absorption part of the process. All you
10 had would be SO2.

11 Q. So are you saying that maybe the --

12 A. That might be why there's some confusion about
13 why you got SO3 some places and SO2. When they actually
14 did the report, the places they were saying that was
15 leaking does not contain SO3, but only SO2.

16 Q. But you have no idea whether what you just said
17 had actually any bearing on Exhibit 4, the investigation
18 report; right?

19 MS. WATERS:

20 Object to form.

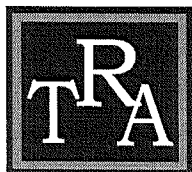
21 THE WITNESS:

22 Which one?

23 MS. WATERS:

24 Right here.

25 BY MS. BARNEY:



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. I mean, you have no idea whether that happened or
2 not?

3 A. No.

4 Q. Okay. And I guess what you would be saying is
5 that --

6 A. You're asking me why is there a difference in
7 seeing SO3 in one report and SO2 in another report.
8 That's my only explanation of why it is, because there
9 may have been some confusion over what was actually in
10 that particular part of the equipment that was leaking.

11 Q. Or there was an --- couldn't it have more likely
12 been that they investigated equipment that was not the
13 source of what the operator saw?

14 MS. WATERS:

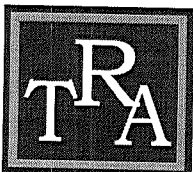
15 Object to the form.

16 THE WITNESS:

17 I can't guess. You just asked me -- you
18 were asking me why there would have been a difference
19 between why SO3 and SO2 and, you know, the different
20 reports there. That's my only explanation I could think
21 of is that they assumed that there was SO3 there and
22 that it may not have been SO3 at all. It may have been
23 just SO2.

24 Q. Well, if there's an SO3 leak that was visible --

25 A. Yes.



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. -- in keeping with Exhibit 6, page Exhibit H of
2 that Exhibit 6 --

3 A. Uh-huh.

4 Q. -- if this operator saw an SO3 gas leak, then
5 that means he saw the leak; right? Because you can see
6 SO3; correct?

7 A. You should be able to see SO3, yes.

8 Q. And you cannot see SO2. You've already said that
9 earlier today, I believe.

10 A. It's my not experience to be able to see SO2,
11 yes.

12 Q. So the leak that under the normal DuPont
13 procedures, the leak that would have been investigated
14 if they wanted to investigate the leak that is reported
15 in Exhibit 6, Page H of that document, they would have
16 been investigating an SO3 leak; is that right?

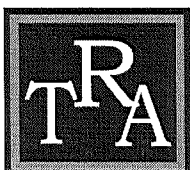
17 A. They would be investigating a leak that someone
18 said was an SO3 leak, yes.

19 Q. Okay.

20 A. Whether it turned out to be an SO3 leak or not, I
21 don't know.

22 Q. So you're suggesting that they may have just gone
23 to the vessel that didn't have any SO3 and do an
24 investigation report about that?

25 MS. WATERS:



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Object to form.

2 THE WITNESS:

3 No. I'm suggesting that the leak that
4 was reported may not have been in a place that actually
5 contained SO3.

6 BY MS. BARNEY:

7 Q. All right. Does the document that is Exhibit H
8 say anything about the place from which the SO3 gas is
9 leaking?

10 A. Repeat the question, please.

11 Q. Does Exhibit 6, the page that's marked Exhibit H
12 in that document, the handwritten incident report by
13 Mr. Simoneaux, does it say anything in that document
14 about the location from which the SO3 is leaking out of
15 a vessel?

16 A. No.

17 Q. All of the initial incident reports from March of
18 2012 refer to this leak as having SO3 in it, in the
19 leaking gas; is that right?

20 MS. WATERS:

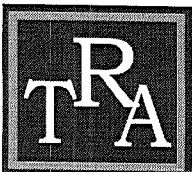
21 Asked and answered.

22 THE WITNESS:

23 Well, yes.

24 BY MS. BARNEY:

25 Q. And the Cromwell --



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. From what I see here, yes.

2 Q. Cromwell says it was a mixture of SO2 and SO3;
3 right?

4 A. Yes.

5 Q. Clemons says it's SO3. Jeff Simoneaux says it's
6 SO3, and I want to confirm with you that nothing in the
7 document that is marked as Exhibit 4, the
8 investigational report that is supposed to have taken
9 place in follow up to the March 18th incident report,
10 says anything about SO3.

11 MS. WATERS:

12 Asked and answered.

13 BY MS. BARNEY:

14 Q. Is that right?

15 A. Say that again.

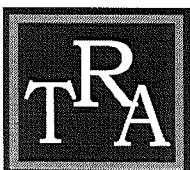
16 Q. Nothing in -- earlier we talked about Page 5 of
17 Exhibit 4. Now I want to confirm with you that nothing
18 in the document that we've marked as Exhibit 4 says
19 anything about a release of sulfur trioxide or SO3; is
20 that right?

21 MS. WATERS:

22 Same objection.

23 THE WITNESS:

24 Nothing says -- I'm looking at Exhibit 4
25 here.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MS. WATERS:

Right here. This is 4.

THE WITNESS:

Okay. Six.

MS. WATERS:

Yeah.

THE WITNESS:

Four. The only one that's mentioned in this particular report is sulfur dioxide.

BY MS. BARNEY:

Q. All right. You said this particular report. Would you think there would be more than one investigational report for the March 18, 2012 incident?

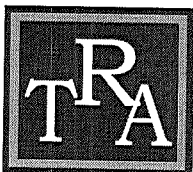
A. Not in this system. In the management central system which this is part of.

Q. So this would be -- Exhibit 4 would be the investigational report for the March 18th, 2012 gas leak incident that was --

A. Yes.

Q. Okay. And is it your testimony that you did not make an edit to this report that removed SO3 from this report?

A. I do not recall making any edits to the report, only reviewing the report. So I don't make -- I didn't make any edits.



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. You don't --

2 A. I don't recall making any edits to the report.

3 Q. Okay. Do you recall ever seeing SO3 listed in
4 this investigational report?

5 A. Do I recall SO3? Because -- yes, I would have
6 because I remember seeing the handwritten report and the
7 written reports following it that would have indicated
8 that it was SO3.

9 Q. Okay. So you saw SO3 in the initial reports that
10 we've marked as Exhibit 6, but to clarify my question,
11 my question is did you ever see a version of the
12 investigational report that had SO3 in it?

13 A. No, I don't recall.

14 Q. So you don't know how the investigational report
15 came to speak only to SO2 and not SO3; is that right?

16 A. No. All I did was give you what I think may have
17 happened.

18 Q. Is that they investigated a piece of equipment
19 that would have only had SO2 in it?

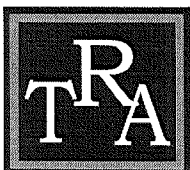
20 MS. WATERS:

21 Asked and answered.

22 THE WITNESS:

23 Or that -- I wouldn't agree with that.

24 I mean, just as likely is that it was reported as an SO3
25 leak in equipment that did not contain SO3, but only



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 SO2.

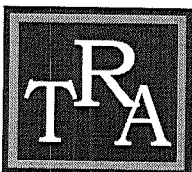
2 BY MS. BARNEY:

3 Q. But we just established that the report from the
4 operator did not refer to a piece of equipment, so
5 that's why I'm confused. Exhibit 6, the initial
6 incident report, doesn't say anything about the piece of
7 equipment.

8 A. Somewhere between the operator observing the leak
9 and actually doing the report up, he had to have
10 maintenance out there and actually put hands on the
11 equipment so that they can mitigate the leak. So that
12 information had to be communicated to maintenance
13 supervision to operations supervisor of where the leak
14 was. So if he didn't specify what the equipment was, it
15 was understood by, you know, maintenance operations
16 supervision where they were talking about the leak. I
17 don't know why that was not captured in his written
18 report there, but at some point in written reports
19 there, they mention it was the CIP exchanger.

20 Q. In conveying that possible explanation, are you
21 assuming that there's only one leak at the plant at that
22 time?

23 A. I don't have -- I don't know whether there was
24 one leak or, you know, several leaks at a time. I don't
25 know.



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. Okay.

2 A. But I know that they were mitigating one leak.
3 The other leaks, if there were leaks, must have been
4 already taken care of. They must have already had a
5 vacuum hose on it if there was leaks.

6 Q. In your opinion, is taking care of a leaking
7 vessel putting a plastic hose on it; is that your way of
8 taking care of a leak?

9 A. Unless it cannot take care of the leak. Unless
10 it cannot control the leak or contain the leak, then you
11 have to reduce rates or shut down.

12 Q. What about fixing the equipment, would that be --

13 A. Yes.

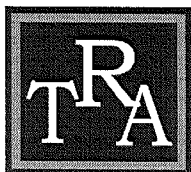
14 Q. -- a way to address the leak?

15 A. And we've done that in the past, shut it down to
16 get into the equipment. Sometimes it's very involved to
17 get in those exchangers and do the work. It takes days,
18 and we have taken weeks, you know, to do that before.

19 Q. Okay. If Mr. Blanchard or Mr. Bell testified
20 that they have not been able to fix all of the leaks and
21 that there have been leaks since December 2011 in the
22 vessels we've been talking about, the CIP, the HIP, the
23 converter, the superheater, would you dispute that?

24 MS. WATERS:

25 Object to form.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 THE WITNESS:

2 No, I wouldn't dispute it. There's
3 leaks that probably are out there today that they have
4 to have hoses on to be able to contain them.

5 BY MS. BARNEY:

6 Q. Or try to contain them?

7 MS. WATERS:

8 Object to form.

9 THE WITNESS:

10 Yeah. But their understanding -- at
11 least my understanding when I was out there, if they
12 could not contain the leak, that we would reduce rates
13 or shut the plant down and fix it.

14 BY MS. BARNEY:

15 Q. Okay. That was what you wanted to happen; is
16 that right?

17 MS. WATERS:

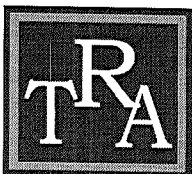
18 Object to form.

19 THE WITNESS:

20 That was our operating philosophy.

21 BY MS. BARNEY:

22 Q. You can't testify, as you sit here right now,
23 with any degree of certainty that this plastic hose
24 system was capturing all of the SO3 and SO2 gas that was
25 leaking out of these vessels at any point in time?



1 A. I can't guarantee that, no.

2 Q. Okay. Are you suggesting when you say that
3 maybe, you know, when they did investigational report,
4 they focused on equipment that only had SO2 in it, or
5 are you suggesting that Mr. Simoneaux didn't know what
6 he was talking about when he said he saw an SO3 leak?

7 MS. WATERS:

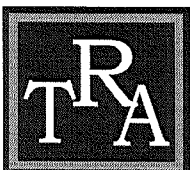
8 Object to form.

9 THE WITNESS:

10 He didn't -- without him identifying in
11 the -- his report, handwritten report, I don't know
12 specifically what he was talking about. So I'm just
13 suggesting that. I don't know for sure whether he was,
14 you know -- they don't -- it's very hard to see that
15 equipment. It's very -- if you've seen pictures of it,
16 it's really -- it's in a very confined area. It's very
17 hard to make out what is what in there. That's only a
18 possibility. I'm not suggesting anything, but you asked
19 me about why there might be some confusion, why -- where
20 there was SO2 in one report and SO3 in another, you
21 know. That was my explanation that I could think of.

22 BY MS. BARNEY:

23 Q. Doesn't the investigational report usually
24 investigate the, quote, brief description of known facts
25 that was listed in the initial incident report? Isn't



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 that the purpose of the investigational report?

2 A. Yes, to establish and verify what was in that
3 report and to add to that report as needed, where you
4 calculate a quantity or you could come -- where they
5 have actually investigated and found out what the
6 exact -- what the location -- what is leaking on that
7 particular equipment, which maintenance was able to do.

8 Q. Maybe.

9 A. Yeah.

10 Q. Because you don't know; right?

11 A. I just go by what they tell me, you know.
12 They're, you know, very experienced people. They had
13 more knowledge about that matters than I did.

14 Q. You don't have any reason to believe that Jeff
15 Simoneaux doesn't know what an SO3 gas leak looks like;
16 right?

17 A. No, I don't have any reason to believe.

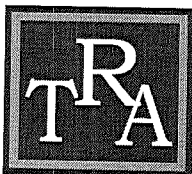
18 Q. Would you have necessarily had any input to Page
19 8 of Exhibit 4?

20 A. Exhibit 4, Page 8? This is the page that you're
21 talking about?

22 Q. Yes. Well, it looks different from your copy.
23 Page --

24 A. It's highlighted.

25 Q. Okay. Page DSF 8, yeah.



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Up at the top, would you have had any input in
2 this page of the report in terms of material type, the
3 containments released from, et cetera?

4 A. If those are quantities there that I would have
5 provided a -- most likely provided a calculation for
6 that.

7 Q. So you think maybe you did a calculation of an
8 SO2 leak in connection with this investigational report?

9 A. I may have. I can't answer for certain.

10 Q. At this point, Dan Monholland was also at
11 Burnside?

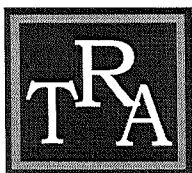
12 A. Yes.

13 Q. And so he may have -- do you know whether or not,
14 when you were the environmental coordinator, whether Dan
15 Monholland would have been the one to do calculations or
16 whether he only started that after you left?

17 A. He may be involved in it and may have done the
18 calculations. I mean, it was not -- it was probably
19 either he or I that would have done that and certainly
20 after I left, he would have done it by himself.

21 Q. We've already marked Bates Page 83 as Exhibit 3.
22 That calculation does not show a total mass release of
23 SO2 in the amount of three pounds, does it?

24 A. No. That's a different part of the equipment.
25 That's on the converter.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. Okay. You mean it's a different part of
2 equipment than the one they investigated in Exhibit 4?

3 A. Yeah. This is a CIP.

4 Q. The record --

5 A. That's a gas leak.

6 Q. Okay. So Exhibit 3 is referring to a gas leak on
7 the converter; right?

8 A. It's a second pass outlet, yes.

9 Q. And Exhibit 4 says that it's focussing on the
10 CIP; is that right?

11 A. Yes.

12 Q. Okay. So we know 83 is not a calculation that
13 went with Exhibit 4; right?

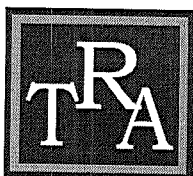
14 A. It doesn't appear to be, no.

15 Q. Okay. Okay. So I'll show you Bates pages that I
16 think you said you looked at before your deposition,
17 which is Pages 17 and 18, DSF 17 and 18. Those appear
18 to be calculations that were performed, at least as
19 they're labeled, on a gas leak on the CIP. One of them
20 hot side, which is Bates Page 18, and one of them CIP,
21 cold side, Bates Page 17; is that right?

22 A. Yes.

23 Q. Do either one of those calculations show a total
24 mass release of SO2 of three pounds?

25 A. No.



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 MS. BARNEY:

2 Okay. And then I'll go ahead and attach
3 -- we'll mark the documents 17 and 18 as Exhibit 7, but
4 we'll go ahead and include Bates Page 16.

5 (Whereupon Exhibit No. 7 was marked for
6 identification.)

7 BY MS. BARNEY:

8 Q. Bates Page 16 is another document that you looked
9 at before your deposition; is that right?

10 A. Yes.

11 Q. Okay. We'll put those three calculations
12 together as Exhibit 7.

13 So of the four pages of calculations that we've
14 seen, none of them would match up with the three pounds
15 of SO2 reflected in Exhibit 4; right?

16 A. No, none of them do.

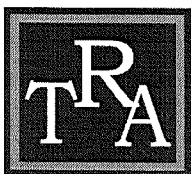
17 Q. Okay. And nothing -- I think you might have
18 checked this already, but nothing on Exhibit 4 says that
19 there's a calculation attached to that report?

20 A. No. I'll check it again, but I didn't see it on
21 the report that we looked at.

22 Q. Okay.

23 A. I don't see anything.

24 Q. The calculation that's done with that spreadsheet
25 formula, that calculates the gas leaving the vessel



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 itself; right?

2 A. Through the leak, yes.

3 Q. Okay. So on Page 8 of Exhibit 4 to your
4 deposition where it says, "Amount released out of
5 primary containment," is that the vessel itself, or what
6 does that mean, primary containment?

7 A. Primary containment would be the leak itself from
8 the hole, and secondary containment would be an estimate
9 of what was not mitigated.

10 Q. So that's sort of an estimate as to how much did
11 not get sucked up by the black hose?

12 A. They're saying here this incident was roughly 50
13 percent was sucked up.

14 Q. Okay. That's really just kind of a guess; right?

15 A. Yes.

16 Q. There's no mechanism or spreadsheet for
17 calculating the amount of gas that's leaving the black
18 plastic hoses and metal box system; right?

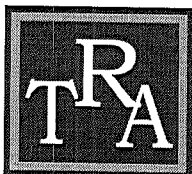
19 A. Not that I'm aware of. We just have to make some
20 assumptions.

21 Q. Okay. How many times would you say that you've
22 seen SO3 gas at the DuPont Burnside site?

23 A. I don't know.

24 MS. WATERS:

25 Object to form. He said you couldn't



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 see it.

2 MS. BARNEY:

3 No. That's SO2.

4 MS. WATERS:

5 I'll withdraw.

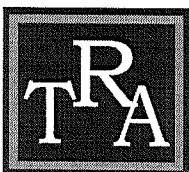
6 THE WITNESS:

7 I don't know. You know, whenever you
8 had the leak from one of these exchangers, I -- you
9 know, before you got a hose on it, you would have seen
10 it, so I can't guess how many times that would have
11 been.

12 BY MS. BARNEY:

13 Q. Okay. Can you give any kind of range, like two
14 dozen, less than a dozen, more than 50, less than 50,
15 any kind of idea?

16 A. Most of the time that I saw a leak would have
17 been after they had already put a hose on it, so I
18 didn't see it then. So if I saw a leak, it had to be
19 less than a dozen times I saw a leak and they hadn't got
20 a hose on it yet. But remember, that equipment only
21 started up in 2009, so it had only been a couple years,
22 several years, and they really didn't start leaking any
23 until probably 2011, mid 2011 till I left in summer of
24 2012. So I had maybe a year and a half or two years'
25 worth of experience in seeing those, so I would say less



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 than a dozen where I actually saw the leak and it did
2 not have a hose yet on it.

3 Q. Okay. Did you ever see a leak where the hose had
4 melted down and so, therefore, there was a hose near it,
5 but the vacuum was lost?

6 A. I've never seen it, but I've heard that that has
7 happened before, and they would tell me about it and
8 then they would go out and replace the hose.

9 Q. Okay. If you could look back at Exhibit 4,
10 second page, which is Bates Page 6, under instructions,
11 it says, "2009 ACC reportable quantities".

12 What does ACC mean?

13 A. That's the asset -- I'm trying to think. ACC.
14 ACC is asset -- that might be some nomen- -- you know, a
15 synonym for having to do with the acid technology group
16 there and these were reportable quantities for doing
17 investigations. These weren't regulatory argues.

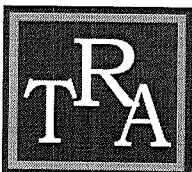
18 Q. So did you -- were you supposed to use these in
19 connection with your job?

20 A. No. I don't know why they were there. I never
21 did get a good explanation of why these were on there.
22 I went by regulatory argues.

23 Q. So you went straight to the statute?

24 A. Yes.

25 Q. If you could look at the exhibit that's got --



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 I'm not sure what the number is. It's got all of these
2 incident reports attached to it.

3 MS. WATERS:

4 It's 5.

5 MS. BARNEY:

6 Looks like Exhibit 5.

7 MS. WATERS:

8 Yes.

9 BY MS. BARNEY:

10 Q. Earlier, you were talking about the DEQ coming
11 out in April of 2012?

12 A. That's what my guess was. It was April of 2012.
13 I don't know for certain if it was April, May. Seemed
14 like it was sometime spring or early of 2012.

15 Q. So you don't really remember when --

16 A. No. I don't remember specific dates, but it
17 seemed like April was a good guess of when that was.

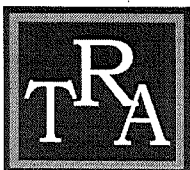
18 Q. If there's an -- well, I believe you indicated
19 earlier that there was an initial incident report
20 written for whatever incident prompted the DEQ to come
21 out at that time; is that right?

22 MS. WATERS:

23 Object to form.

24 THE WITNESS:

25 No. They came out in response to a



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 follow-up because they came out at night.

2 MS. BARNEY:

3 Right.

4 THE WITNESS:

5 Then I was not there at night, so they
6 wanted to follow up during the daytime when I was there
7 and they could have an opportunity to look at any leak
8 that we would have in the daylight hours. So that ended
9 up not happening the next day, but several days
10 afterwards, whenever that was.

11 BY MS. BARNEY:

12 Q. All right. My question is the event that
13 prompted them to come out was reflected in an initial
14 incident report or no?

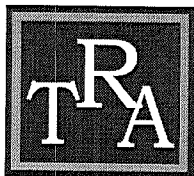
15 A. I believe one was created, but they were called
16 out not on the basis of a report, but by a verbal
17 notification that --

18 Q. Right. Like a passerby on River Road; is that
19 right?

20 A. Well, I don't know for sure.

21 Q. What were you told?

22 A. You know, I was told that it was people within
23 the plant that did it. But whether there is people
24 within the plant or people without the plant, we've
25 still got to investigate it, you know.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. So you think that an initial incident report was
2 prepared in connection with the incident that prompted
3 the DEQ to come out that night in April or May of 2012?

4 A. Yes.

5 Q. If I showed you incident reports that are in
6 Exhibit 5, do you know which incident report prompted
7 the DEQ to come out?

8 MS. WATERS:

9 Object to form on prompting.

10 THE WITNESS:

11 Based on the incident reports that I am
12 looking at here, would have been 74, that incident
13 report is the only one that mentions that the -- someone
14 outside the plant had a complaint.

15 MS. BARNEY:

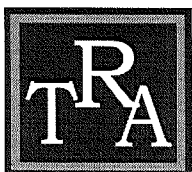
16 Okay.

17 THE WITNESS:

18 I don't -- I haven't looked through all
19 of them there, but it looks like that's the one that
20 they're saying there that it was a complaint from
21 someone manning the radios for the GAMA. That's the
22 Geismar Mutual Aid group there that would have had
23 someone pass by and had a complaint.

24 BY MS. BARNEY:

25 Q. Okay. So earlier when you were testifying about



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 an April DEQ visit, it was actually probably this May
2 27, '12 incident that is referred to in Exhibit 5, Bates
3 Page 74?

4 A. It may have been, but I don't know without any
5 doubt that that's the case.

6 Q. You only recall one --

7 A. I only recall one incident that happened at night
8 that DEQ was called about the incident that they came
9 out at night and checked it. That's the only one that I
10 remember. All of the other ones, whether that was in
11 May or some other times, I don't recall. I don't see
12 specifically here where DEQ was called out on these
13 incident reports.

14 Q. Okay. Because the incident report wouldn't have
15 the follow-up visit; right, because it's the initial
16 incident report? So it's prepared sort of at the
17 moment; right?

18 A. Right.

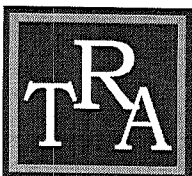
19 Q. And then if DEQ came later, it wouldn't be
20 captured in the initial incident report?

21 A. You're talking about the DuPont internal incident
22 reports --

23 Q. Right. This --

24 A. -- or anything that DEQ would have written up?

25 Q. I'm talking about these documents we're looking



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 at that are Exhibit 5, these initial incident reports on
2 DuPont procedures. They're done at the time, so if DEQ
3 comes a few days later and follows up, it's not going to
4 be reflected in the initial incident report; is that
5 right?

6 A. You're asking me some -- to construct details
7 about something that I'm not able to recall now, so I
8 don't know.

9 Q. All right.

10 A. I'd rather -- I don't have -- I'd just be
11 guessing, so I don't want to offer any guesses.

12 Q. Do you know whether an investigational report was
13 done for the incident -- I think you testified earlier
14 that the incident that the DEQ followed up on, an
15 investigational report had been started by the time DEQ
16 came back. Maybe completed, but definitely started --

17 A. Yes.

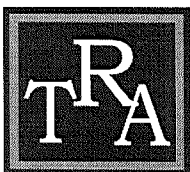
18 Q. -- by the time they came back. Okay.

19 MS. BARNEY:

20 I guess for the record, I don't think
21 we've been provided with an investigational report
22 pertaining to a 5/27/12 incident report.

23 MS. WATERS:

24 You have all that we have. We have a
25 5/24/2012. That's all we have. All of the reports that



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 are on MITCI, you have relating to gas leaks.

2 MS. BARNEY:

3 Okay.

4 BY MS. BARNEY:

5 Q. I'll show you a document that we'll mark as
6 Exhibit 8 and it's Bates labeled DSF 10 through 14.

7 (Whereupon Exhibit No. 8 was marked for
8 identification.)

9 BY MS. BARNEY:

10 Q. That investigational report is dated 5/24/12; is
11 that right?

12 A. Yes.

13 Q. Or it refers to a 5/24/12 incident so that can't
14 be the incident that you were looking at in Exhibit 5,
15 Page 74, but this document does seem to be one that was
16 submitted by you and I'll just ask you to confirm that
17 for me.

18 A. You're talking about Exhibit 8.

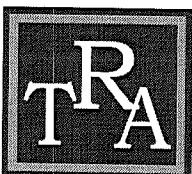
19 Q. Yes.

20 A. Let's see. It was initiated by Tom Miller and I
21 rated the incident, that portion of the report.

22 Q. What Bates page is the rating reflected on?

23 A. Let's see. That would be 11, environmental
24 rating.

25 Q. Does this document reflect that a calculation was



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 attached?

2 A. I don't see where that's indicated.

3 Q. On Page 13, there's no amount released given next
4 to SO2 and SO3; right?

5 A. Which page?

6 Q. Page 13.

7 A. No. Page 10 has the amount.

8 Q. Page 10 only gives the amount for sulfur dioxide;
9 right, not SO3?

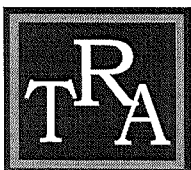
10 A. That's what the chemical is specified here,
11 sulfur dioxide, yes.

12 Q. Can you tell whether this is the final report
13 that was actually submitted to the central management
14 system?

15 A. It appears to be. The last notation on the
16 update history says on 5/25 that it was updated to be
17 issued so this was -- this would have been issued as a
18 final report if I'm understanding the edit tracking part
19 down there. Submitted to authorizer on 5/25/2012 and
20 then he would have authorized it to be final.

21 Q. Okay. So we don't know what amount of SO3 was
22 estimated to have been released during this 5/24/2012
23 event; right?

24 A. This particular report says that the chemical
25 release is sulfur dioxide.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. That's what it says on Page 10; right?

2 A. Yes.

3 Q. On Page 13, it says SO2 and SO3; right?

4 A. Yeah. Yes.

5 Q. So nothing tells us what the quantity of SO3 was
6 that was estimated to have been released for this
7 5/24/12 release?

8 A. Did you ask a question?

9 Q. Yes.

10 A. What --

11 Q. Nothing tells us how much SO3 was estimated to be
12 released in connection with this 5/24/12 event; right?

13 A. No, not that I could see.

14 Q. You don't have any specific recollection of doing
15 a calculation for that release; right?

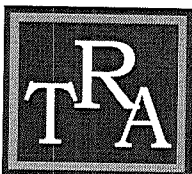
16 A. No.

17 Q. Do you recall, since apparently we don't have an
18 investigational report for an incident on May 27, 2012
19 that might correspond with the GAMA call incident that
20 you were talking about earlier?

21 A. Yes.

22 Q. Do you specifically recall seeing an
23 investigational report for that incident, the GAMA
24 incident that's mentioned on Page 74 of Exhibit 5?

25 A. No. I don't recall any report for that.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. All right. So earlier when you testified that
2 you would have done a calculation by the time the DEQ
3 people came back to talk about that incident, could you
4 have been mistaken about that or how does that add up?

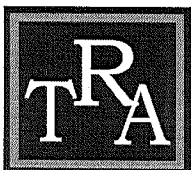
5 A. No, because they would have asked for the
6 calculation. They would have had to see it, how do
7 we -- what do we use on the basis to say it was not a
8 reportable quantity, so I'd have had to provide
9 something for them. Where that's at, I don't know. If
10 it's not in this information you've already had, I can't
11 answer that, but I know that they would have to have
12 something to verify that it was a leak and that it was
13 not a problem, you know.

14 Q. Okay. But you don't specifically recall a
15 conversation like that with DEQ about reportable
16 quantity of a gas leak from this equipment, or do you?

17 A. Yeah. I remember them asking for a documentation
18 report that was filled out and we were giving them
19 report and support calculations that said the amount
20 that we were saying on the report was correct.

21 Q. Okay. So you feel like when you left DuPont,
22 that document probably existed or at least existed back
23 in May or June of 2012?

24 A. It should be there, yes, because I would have
25 had -- like I said, would have had to supply that to



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 them. They were just not going to be satisfied that
2 here is a written report of what was the basis of what
3 we said in the report. They would have had to have some
4 kind of documentation that I would have to give that --
5 my recollection was that they were satisfied with the
6 report and the documentation we had and the conclusions
7 we made in the report.

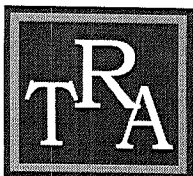
8 There was a lot of transitioning going on during
9 that time. I can't answer for what happened to that and
10 I didn't think about where all of those things were when
11 I left, so it could probably -- it may still be out
12 there somewhere, but someone has not put their hands on
13 it. But I know that there would have to be a support
14 documentation for that investigation.

15 Q. And you think DEQ may or may not have made a copy
16 of it?

17 A. I can't answer for sure, but normally, they
18 would. Every time she's done an inspection at the site,
19 anytime she asks for a document, to see it, she would
20 want a copy of it.

21 Q. Do you recall -- all right. Do you have any
22 recollection about what gas was at issue in this
23 conversation that you recall with the DEQ that night or
24 that day in May or June of 2012?

25 A. I don't know -- in the investigation she



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 specified or I volunteered, I don't know if that was
2 even discussed. We just provided the report and, you
3 know, the calculation that went with it showing what we
4 estimated that leak to be. So I don't remember her
5 coming in and asking me who reported an SO3 leak or SO2
6 leak. She just said, you know, we're investigating a
7 leak that happened in your HIP and the CIP and she had
8 got some information from her visit at nighttime to kind
9 of explain to her what the HIP and the CIP were to kind
10 of give her a background when she came back, so...

11 Q. 1530, what time is that; is that 3:30 in the
12 afternoon?

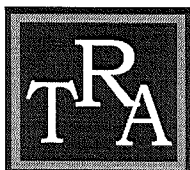
13 A. Yes.

14 Q. Okay. Do you think maybe that Page 73 of Exhibit
15 5 and Page 74 are related somehow, or do you know?

16 A. I don't know. Based on the dates of the report,
17 they seem like they're different incidents to me.

18 Q. You testified earlier that the GAMA call came at
19 night, and so that's what I was noticing --

20 A. I don't know if I said that it came at night.
21 I'm just -- I know that it was someone outside the plant
22 that made the complaint. I don't know if it was a GAMA
23 call, if it was some other means that the agency, DEQ,
24 was involved in it, but somehow they had to get a call
25 to investigate a complaint. I don't know if it was



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 radio, direct call to them or how someone from the plant
2 called in. So I'm just making assumptions that that's
3 probably the most logical way that they knew about it.
4 I don't know for sure if that happened one way or the
5 other.

6 MS. WATERS:

7 Can we go off the record?

8 (A conversation was held off the record.)

9 BY MS. BARNEY:

10 Q. Who would you say was supposed to keep track of
11 this sort of documentation, the calculations, the
12 investigational reports, the incident reports? Was
13 there anybody in charge of kind of keeping all of that
14 together?

15 A. Kind of the person that initiated the report. In
16 whatever case, most of the cases I see here would have
17 been Tom Miller.

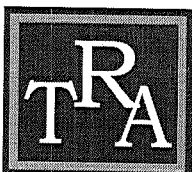
18 Q. Okay.

19 A. I mean, in the case I initiated a report, it
20 would have been me.

21 Q. Did you ever attend any morning meetings at
22 DuPont?

23 A. Every morning.

24 Q. Do you recall a meeting around this time in May
25 of 2012 where Mr. Miller gathered everybody together and



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 discouraged them from reporting -- calling outside
2 agencies about leaks?

3 A. No, I don't recall that.

4 Q. Would you have been surprised to hear him tell
5 employees that they -- you know, nothing good is going
6 to come from calling the authorities?

7 A. Yeah. I mean, that's -- I had a good
8 relationship with him and I don't think he ever intended
9 to discourage anybody from doing what they felt like was
10 right.

11 Q. Okay. So in conversations with you or in
12 conversations or in meetings that you were present for,
13 you never heard Tom Miller tell the employees they
14 better not do that or the plant is going to get shut
15 down; right?

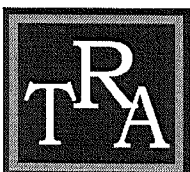
16 A. No.

17 Q. They'll be on the outside of the plant looking
18 in; you didn't hear anything like that?

19 A. No.

20 Q. Okay.

21 A. If it was done, it was done in passing by certain
22 individuals, but I don't ever recall it being made a
23 public announcement or public proclamation in the
24 production meeting that we were ever involved in or any
25 other meeting.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. Okay. In passing, who do you think was involved
2 in those conversations in passing?

3 A. I'm just guessing. I don't have any specific
4 information that that was ever done, but I'm just saying
5 that he was never where he stood up in a production
6 meeting in front of all of these involved in a meeting
7 and made any kind of statement like that. If he would
8 have done it, it would have been done -- it would have
9 been done where I didn't hear it. It was for specific
10 individuals.

11 Q. Okay.

12 A. Not to me.

13 Q. Or anywhere you weren't there maybe?

14 A. I can't guess about what happened when I was not
15 there, you know.

16 Q. Okay. Have you ever personally advised EPA about
17 the leaks from the CIP, the HIP and/or the converter or
18 any of the ductwork or plenums while you were at DuPont?

19 A. Advised EPA?

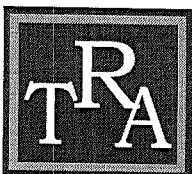
20 Q. Yes.

21 A. I've never had any conversations with EPA --

22 Q. Okay.

23 A. -- regarding anything at the plant.

24 Q. All right. And that would include since you left
25 DuPont and while you were there?



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. Right.

2 Q. And other than conversations, you didn't write
3 any letters to EPA or put anything in documents --

4 A. No.

5 Q. -- to that effect?

6 A. No. The only time I ever wrote anything to EPA
7 is when we had like a Title 5 permit renewal or a Title
8 5 modification where we were required to copy them on
9 letters where we submitted to DEQ or any reports that
10 were Title 5, EPA was required to be copied on those.
11 That's the only correspondence I ever had with them.

12 Q. Okay. And those did not talk about the leaks
13 from the CIP, the HIP --

14 A. No.

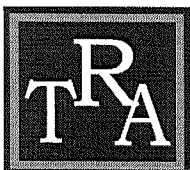
15 Q. -- and the converter?

16 A. No.

17 Q. Do you have actual knowledge that any other
18 employee of DuPont has advised EPA about the leaks from
19 the CIP, the HIP, the converter or any of ductwork and
20 plenums associated with it?

21 A. No.

22 Q. I guess the same would be true for advice to the
23 EPA about the hose box vacuum system that was used in
24 connection with those leaks, you haven't advised EPA
25 about those?



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. No.

2 Q. And you don't have any actual knowledge that
3 anybody at DuPont advised EPA about those?

4 A. I'm not aware of anybody that spoke to anyone
5 outside of the plant. I don't have specific knowledge
6 of anyone spoke to anybody, any agency about any leaks
7 at the plant, no.

8 Q. Or any vacuums --

9 A. No.

10 Q. -- hoses, boxes --

11 A. No.

12 Q. -- for those leaks?

13 A. No.

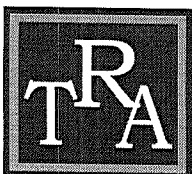
14 Q. Okay. While you were at DuPont, did you hear
15 about any employees claiming to have breathed in SO3 gas
16 or SO2 gas from time to time?

17 A. I didn't witness it personally, but I heard that
18 there was one employee that decided to wear a mask,
19 breathing apparatus when he was outside, and I think it
20 might have been Leo Scott. I just heard that by word of
21 mouth. I never saw him do that.

22 Q. Okay.

23 A. But he was the only one I've ever been aware of
24 that needed to do that.

25 Q. My question was did you ever hear people



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

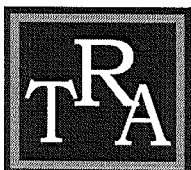
1.866.982.6878 TOLL FREE

1 encountering the gas, you know, saying I was walking
2 through such and such area of the plant and I got into
3 some SO2 or I got into some SO3, that sort of thing?

4 A. SO2, fumes from SO2 would kind of take your
5 breath away. SO3, you could see them. I've never seen
6 anybody -- because SO3 is corrosive, too, so their eyes
7 would be burning. Probably the skin would be irritated
8 or whatever. But SO2 would kind of take your breath
9 away. I mean, I've experienced that myself with SO2,
10 you know, but, no, I've never done that. I guess
11 probably maybe those that would be involved with
12 industrial hygiene or whatever like that would probably
13 have more instances -- maybe occasion to have known
14 about that, but I personally was not aware of any
15 incidents where someone complained about those types of
16 fumes.

17 Q. Okay. Did they ever just talk about it in
18 passing like to say -- you know, to report a leak to
19 say, you know, there's -- I just, you know, came around
20 the corner and there's an SO3 cloud over there, kind of
21 got me or, you know, I walked around it or anything like
22 that?

23 A. I'm sure that there may have been that
24 conversation before, you know, because like I said, I've
25 experienced it where I've walked into and got a whiff of



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 SO2 before and knew it was that. It kind of overcome
2 and took my breath away, you know, but I'm sure there
3 were times that someone said that.

4 Q. Okay. Do you remember where you were walking
5 when that happened with the SO2?

6 A. I remember that it was in the -- when I smelled
7 the SO2 was in the area called the DynaWave section.
8 That's the upper end of the plant where the SO2 is
9 created by burning spent sulfuric acid and then goes
10 through system that removes the moisture, dries the gas
11 out that I smelled it in there one time passing by. And
12 that's where I personally -- other places, I don't have
13 a recollection of where they may have told me.

14 Q. Okay. Let me show you a document that we'll mark
15 as Exhibit 9. This is Bates number DSF 84.

16 (Whereupon Exhibit No. 9 was marked for
17 identification.)

18 BY MS. BARNEY:

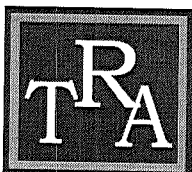
19 Q. Is that sort of an instruction form that goes
20 with the incident investigation reports?

21 A. Yes.

22 Q. Okay. So you've seen this document before?

23 A. Yes.

24 Q. And it talks about -- under report type,
25 preliminary formal, it talks about the blue sections of



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 the report; is that right, the blue sections?

2 A. "...requires all of the sections to be reviewed
3 prior to authorization." I think these shaded areas I
4 think are the blue.

5 Q. That's what I was going to ask you to help me
6 with.

7 A. Yes.

8 Q. If we look at Exhibit 8, the shaded kind of
9 gray-looking ones on the copies would be the blue ones
10 that they're talking about on Exhibit 9?

11 A. I think so, yes.

12 Q. All right. And then this instruction goes
13 through the sections that are supposed to be filled out
14 on an investigate report; right?

15 A. Yes.

16 Q. And this refers to the ACC reportable and it says
17 "Has the new ACC reportable release limits been applied
18 to the chemical release section."

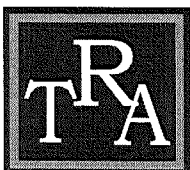
19 Do you see that?

20 A. Yes.

21 Q. So that suggests that you're supposed to use this
22 new ACC reported release limits at least as of the date
23 of Bates number 84?

24 A. Yes.

25 Q. And the ones -- do you recall that these



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 instructions changed any while you were working at
2 DuPont, this document number 84?

3 A. They may have. I don't recall. I don't have a
4 specific recollection that they did, but...

5 Q. Okay. So as far as you know, this instruction,
6 whenever existed -- well, back up. Strike that.

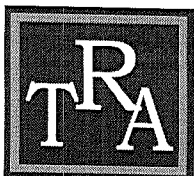
7 As far as you know, the investigation reports
8 were always supposed to take into account the ACC
9 reportable release limits as far back as you can
10 remember?

11 A. That's my understanding, yes.

12 Q. Okay. Down on number 5, it says, "Supporting
13 materials, has a root cause failure analysis been
14 performed."

15 Do you recall whether for any of the gas leaks
16 investigate reports there was a root cause failure
17 analysis performed?

18 A. I'm thinking that's appropriate for PSM-related
19 incidents, but I guess for the more serious
20 environmental incidents, they would also include RCFA
21 with that. But the ones that we are looking at here, I
22 don't see any that would be categorized like it's an A
23 or B environmental incident where that type of analysis
24 would have been done. But I think that they're mostly
25 dealing with -- because these investigations deal with,



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 you know, other types of incidents other than just
2 environmental. That's probably geared more towards the
3 PSM.

4 Q. But it doesn't say that, does it?

5 A. No, it doesn't say that there. I don't recall
6 ever using an RCFA in any evaluations I've done on these
7 incident reports.

8 Q. On gas leaks?

9 A. On gas leaks, no.

10 Q. Okay. I think you said nobody had ever
11 categorized these gas leaks as an A or B; is that right?

12 A. I've never had a gas leak categorized as anything
13 above a C.

14 Q. That you saw?

15 A. That I saw.

16 Q. Okay. You said you had this meeting with DEQ in
17 May or June of 2012. Do you recall what statute you
18 were talking about with DEQ or what regulations?

19 MS. WATERS:

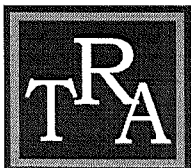
20 Object to form. I think it was April to
21 May.

22 THE WITNESS:

23 No.

24 MS. BARNEY:

25 Okay.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 THE WITNESS:

2 You got to remember, I have had a lot
3 of -- my thoughts have not been on anything that
4 happened at DuPont now for several years. I've got a
5 lot of other clients that I've been involved in and my
6 recollection of specific meetings with DEQ like that are
7 kind of jumbled together over the years that I was with
8 DuPont.

9 MS. BARNEY:

10 Okay.

11 THE WITNESS:

12 So I have very imperfect recall of
13 specific details there, so that's the best I can do, you
14 know.

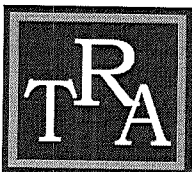
15 BY MS. BARNEY:

16 Q. All right. So your testimony about that meeting
17 is more geared to what probably happened --

18 A. Yes.

19 Q. -- or what was likely to happen than maybe what
20 actually happened?

21 A. The best I can recall is that we had a meeting
22 and she asked for a report and documentation that
23 supports that report. Beyond that, I don't know
24 specifics about that, even to give you specifically what
25 report that she looked at or what calculations she



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 looked at.

2 Q. Or what gas you were talking about?

3 A. Right.

4 Q. Okay.

5 MS. BARNEY:

6 Can we take a quick bathroom break?

7 (A recess was taken.)

8 BY MS. BARNEY:

9 Q. Mr. Long, when you -- I think you said when you
10 were at DuPont in the environmental coordinator role,
11 you reported to Matt Barnes; is that right?

12 A. The last year, I guess, or year or so, I did.
13 Before that, I reported to Barney Miller and then before
14 that Don Janezic and before that a guy named Guy -- what
15 was Guy's last name? It started with a T.

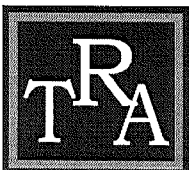
16 MS. WATERS:

17 Tannini.

18 THE WITNESS:

19 Tannini. Guy Tannini.

20 And before that was the plant manager
21 that was there when I first got hired, and that was -- I
22 can picture his face. Anyway, a couple times, I was
23 reporting to the plant manager, Don Janezic and then
24 John Ferguson. That was the first plant manager when I
25 was hired. Other times, Matt was just really the tail



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 end of my employment. He was my supervisor for about a
2 year to a year and a half, something like that.

3 BY MS. BARNEY:

4 Q. Do you know why there was a shift in reporting
5 from the plant manager to the person off-site in Matt's
6 role?

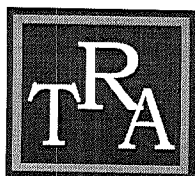
7 A. I think they -- I just guess what their intent
8 was, but I think probably to keep maybe the
9 environmental -- the department, kind of keep it
10 reporting to someone other than the plant manager, to
11 kind of keep that separate from -- even though, you
12 know, they had some influence in your performance
13 reviews and everything like that, but you were directly
14 reporting to someone outside the plant management.

15 Q. Okay.

16 A. I don't know that that accomplishes all that they
17 would have intended to, but I think they probably wanted
18 to keep some sense of separateness, you know, from
19 environmental plant management there.

20 Q. Okay.

21 A. Other parts, maybe maintenance or operations
22 certainly were critical, you know. A plant manager, you
23 know, their function or whatever is critical to them,
24 but mine had to deal with -- you know, necessary dealing
25 with corporate on certain environmental regulations that



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 were specific to that plant so I guess to keep it
2 separate.

3 Q. Okay. All right. So but DuPont has -- strike
4 that.

5 Based on what you're saying, DuPont has pretty
6 extensive knowledge about environmental regulations.

7 A. Yes.

8 Q. They have basically a department that addresses
9 or division or what is it called?

10 A. They have safety health environmental
11 professionals at the corporate level that have people
12 that are knowledgeable in all aspects of, you know,
13 safety, health and environmental that work looking over
14 the whole DuPont's -- all of the plants in DuPont
15 looking over and overseeing their -- I guess their
16 oversight of their programs, you know.

17 Q. So there's sort of layers of responsibility.

18 A. Yes.

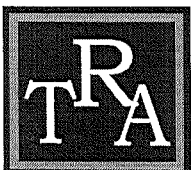
19 Q. Might be somebody at the plant level --

20 A. Yes.

21 Q. -- at the two plant level like you were and then
22 up above that?

23 A. Yes.

24 Q. Okay. And so those folks know all about all the
25 environmental statutes that might be pertinent to



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 DuPont.

2 And I guess they know -- so DuPont knows that
3 there are fines and penalties that go along with these
4 statutes?

5 A. Sure. Yes.

6 Q. Okay. I guess they're also familiar with TSCA,
7 the statute, the acronym TSCA?

8 A. Toxic Substance Control Act, yes.

9 Q. Let me show you a document that we'll mark as
10 Exhibit 10. It also has an Exhibit B on the bottom,
11 which I think is from the complaint. So don't get
12 confused by that.

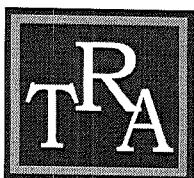
13 (Whereupon Exhibit No. 10 was marked for
14 identification.)

15 BY MS. BARNEY:

16 Q. Exhibit 10 to your deposition, your copy may have
17 the pages. Some of them turned one way ad some of them
18 turned the other, so if you want to straighten it out,
19 feel free. Mine does.

20 A. Okay.

21 Q. This document, just for the record, the title of
22 it is Toxic Substance Control Act (TSCA), paren, TSCA,
23 close paren, Section symbol 8, paren, little E, close
24 paren, Substantial Risk Information, hyphen, General
25 Awareness and DuPont's Review Process. And then under



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 that sort of a subtitle, it says Standardized SHE,
2 S-H-E, Mandated Training Module for U.S. Manufacturing
3 Sites.

4 A. Yes.

5 Q. You've seen this before?

6 A. Yes.

7 Q. All right. This like a training module that
8 employees at DuPont are trained on?

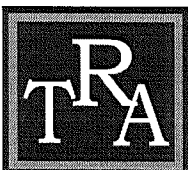
9 A. Yes. I think it probably -- this particular
10 probably existed in what's I think they call it learning
11 management. It would be a module that's required for
12 everyone to take.

13 Q. Okay. So every employee at DuPont, basically,
14 regardless of position, would --

15 A. Yes.

16 Q. -- be shown this?

17 A. Yeah. To be honest about it, probably most of
18 them just fly through it just to get through it and say
19 that they've taken it and wouldn't really pay a whole
20 lot of attention to it. Most of the -- you know, the
21 operators and mechanics -- well, mechanics. I take it
22 back. Mechanics wouldn't do it. Operators would and
23 any of the supervisors would be required to take it. So
24 if they didn't have really environmental
25 responsibilities, probably they would fly through this



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 thing, you know, and have -- maybe they could probably
2 tell you what TSCA stood for, maybe.

3 Q. Yes, but even like the secretary, would have to
4 -- a clerical person would have to take this test, or
5 no?

6 A. Well, the clerical most of the time was not a
7 DuPont employee. She was a contract employee and they
8 weren't required to take it.

9 Q. Okay. So only the DuPont official employees had
10 to take this training?

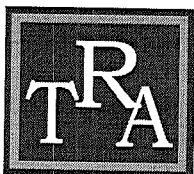
11 A. Right.

12 Q. And I called it a test. Is it a test or is it
13 just a module?

14 A. I think this -- I'm not sure whether there was a
15 test offered with this course or not. Most of the
16 modules in learning manager had tests with them just to
17 see if you paid attention to what you were reading, but,
18 you know, most of them, whether -- they keep answering
19 till they got it right anyway, you know.

20 Q. Okay. So I guess as the environmental person,
21 you were pretty familiar with this training module or
22 no?

23 A. Probably familiar -- we didn't really deal with
24 TSCA really on the plant level as much as they did in
25 corporate. We were required to take the module so we



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 had probably a general awareness of that, but we didn't
2 get a whole lot of specifics. Most of the employees
3 didn't get to any specifics of that. Me, maybe a little
4 bit more than others, but there's always someone in
5 corporate that did all of the reporting for us and that
6 was something that did not happen on a regular basis.
7 How it happened, I think it first started out every four
8 years and went to five years and then now they're back
9 to four years, so that's only an update inventory that's
10 taken in all of those years and then someone in
11 corporate is responsible for putting that together or
12 assigning that to someone, perhaps on Matt Barnes' level
13 that would do -- actually do the reporting.

14 Q. So you're talking about a report under TSCA --

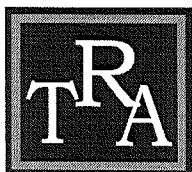
15 A. Yes.

16 Q. -- maybe not under Section 8E, but somewhere
17 under TSCA that requires a report every so many years,
18 like every four years or two or something like that?

19 A. It's actually -- yeah. Like it started out as
20 four years and they tried five years and that didn't
21 work, so they went back to four years, I think, and the
22 last one probably was maybe 2012 where that was required
23 so it won't be required again until 2016.

24 Q. All right.

25 A. But that's actually on inventory it's done on the



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 chemicals that are covered that are part of the
2 substance inventory, TSCA.

3 Q. All right. And that is not the type of reporting
4 that we're -- that's discussed in this module; right?
5 This module speaks to Section 8E and what you're talking
6 about it is a different section in TSCA?

7 A. I think that would have been, yeah, in Section 8.

8 Q. But it may not have been the E; right?

9 A. Right, E. I don't -- I don't know specifically
10 what E refers to here, but it would have been -- but
11 there were -- in Section 8, there are some -- there is a
12 specific list that's listing in the regulation for those
13 that are -- that would have, for instance, information
14 that's to be reported. There's a list of chemicals.

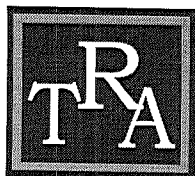
15 Q. Okay. And S03 is on the list of toxic substances
16 that is subject to the Toxic Substance Control Act, is
17 it not?

18 A. It's subject to the substance there, but during
19 this specific 8E --

20 Q. I'm just talking about -- my question is just is
21 S03 one of the chemicals that is on the -- that's
22 subject to Toxic Substance Control Act? Is it on the
23 list of toxic substances?

24 A. Yes. Yes.

25 Q. And what about S02?



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. I am not sure whether SO2 is or not.

2 Q. All right.

3 A. I don't know that I've gotten into that much
4 detail to remember whether it is or not.

5 Q. So it's your recollection that under TSCA,
6 there's some periodic reporting, the reports you have to
7 do no matter what happens, every so often; is that
8 right?

9 A. Right.

10 Q. And your testimony is that those reports are done
11 at the corporate level at DuPont?

12 A. Yes, or someone above the plant level. I'm not
13 sure how that gets passed down, but it's certainly above
14 the plant level.

15 Q. Okay.

16 A. Above --

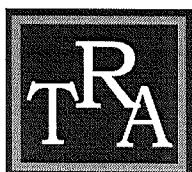
17 Q. So it wasn't your job at DuPont to do that?

18 A. No, it was not.

19 Q. All right. So this module is going through
20 information that people at the plant level are receiving
21 about TSCA and TSCA's requirements about substantial
22 risk information; is that right?

23 A. Yes.

24 Q. Okay. I believe in here -- and I can try to find
25 the exact page -- but it refers to a TSCA review



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 committee. Are you familiar with that?

2 A. I'm not.

3 Q. So during your time at DuPont, you never heard
4 the term "TSCA review committee"?

5 A. If I did, I don't remember that. I mean, very
6 little did we deal with TSCA, so it was not a point of
7 emphasis so that I would not recall whether we talked
8 about it specifically or not.

9 Q. Okay. But you don't recall ever, you know,
10 getting an e-mail or receiving any sort of memo that
11 told you that you were on the TSCA review committee for
12 the --

13 A. No.

14 Q. -- Burnside facility, for example?

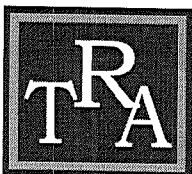
15 A. No. That was all done above me.

16 Q. If there were such a committee that was above
17 you; is that what you're saying?

18 A. Yes.

19 Q. This training module -- all right. The
20 introduction on the second page says, "This TSCA Section
21 8E training will provide, one, an overview of TSCA
22 Section 8E and, two, an overview of the process to be
23 followed within DuPont for submitting potential TSCA
24 Section 8E information for review."

25 So that's sort of the scope of this module;



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 right?

2 A. It appears to be, yes.

3 Q. When you were at DuPont, did you take this
4 training module?

5 A. I'm almost sure that I would have. There would
6 be some documentation of what courses that I took over
7 my career with them because I saw a tract.

8 Q. As the environmental coordinator, were you
9 supposed to sort of educate the rest of the group at
10 DuPont on this module?

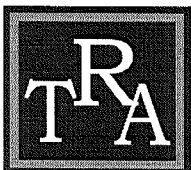
11 A. We didn't have any formal education other than
12 this module, or if someone asked question about it, I
13 would have -- I'd find out the answer for them. But,
14 no, we didn't have anything other than this module there
15 to educate the employees on that.

16 Q. Okay. Did everybody, including you, have to go
17 through this module once a year?

18 A. I think that was the frequency. Probably. I
19 can't answer for sure. There was so many modules that
20 we had to go through that we were required to do, you
21 know. This was probably one of them that we did on an
22 annual basis.

23 Q. Okay.

24 A. It's kind of hard -- if you don't do it annually,
25 it's kind of hard to do it at all. You would have to



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 have some -- you know, you couldn't do it every few
2 years and expect anybody to retain anything, you know.

3 Q. Okay. If you look down, it's under company
4 standard. It says S4V and --

5 MS. WATERS:

6 What page are you on?

7 MS. BARNEY:

8 Still the second page of the document.
9 Lori, do you know whether y'all produced S4V? I know
10 there was list of standards and policies that you were
11 working on.

12 MS. WATERS:

13 I don't think so.

14 MS. BARNEY:

15 If you could put S4V, make sure that's
16 on the list, I'd appreciate it.

17 BY MS. BARNEY:

18 Q. Company standard, Mr. Long, on the second page of
19 this document where it says S4V.

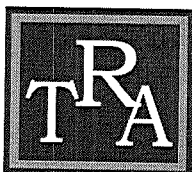
20 A. Uh-huh.

21 Q. That's a standard that you can pull up on the
22 computer?

23 A. Yes.

24 Q. Have you ever filled out one of those forms, S4V?

25 A. I'm not aware of whether it's a form or not. I



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 thought it was just a standard written statement about
2 policy.

3 Q. Oh, I haven't seen it, so I'm not sure.

4 A. I don't think it's a form. I could be mistaken,
5 but I think it's just a DuPont standard regarding a
6 specific environmental -- probably an environmental
7 standard.

8 Q. Okay. So S4V is going to be sort of like an
9 instructional or philosophy kind of document, guideline
10 sort of thing; it's not really a form?

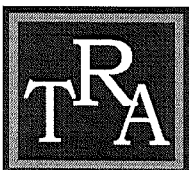
11 A. That's what I remember about it. I don't
12 remember specifically what it's entitled, but...

13 Q. Do you recall ever using the S4V in connection
14 with any work at DuPont?

15 A. I don't -- I don't know of any specific work I've
16 done. I just know that I would have reviewed it, looked
17 at it. I don't know that it's ever been applied to
18 anything that I did, no.

19 Q. All right. So the third page talks about what
20 the person that takes the course is supposed to walk
21 away with, and under that is -- I'm not going to do
22 every one of them, but "Understanding how and where to
23 submit potential substantial risk information for
24 internal DuPont review."

25 Do you see that?



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. Yes.

2 Q. Okay. And "Understand the penalties for failure
3 to comply with TSCA."

4 That's the second from the bottom; right?

5 A. Yes.

6 Q. Okay. And understand your rights with respect to
7 TSCA?

8 Then the next page kind of outlines the course
9 topics like -- and I guess this is a Power Point; is
10 that what this is, or do you know?

11 A. I think this is Power Point.

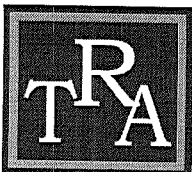
12 Q. Okay. It goes through an overview of TSCA, what
13 is not substantial risk information, what might be
14 substantial risk information, how to report internally
15 and penalties and notifying the submitter of the
16 reporting decision.

17 As long as you were at DuPont, do you recall
18 receiving any forms filled out by anyone pursuant to the
19 TSCA reporting provision?

20 A. No.

21 Q. Okay.

22 A. Other than employees having taken this course,
23 this module right here, I wasn't aware that anyone
24 would -- you know, had any involvement or knowledge of
25 TSCA other than this there and I've never seen anything,



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 any form, any report or otherwise.

2 Q. Okay. If you go to -- unfortunately, these
3 aren't Bates labeled so I'll have to count. I guess the
4 ninth page, it's got a heading number 3 at the top.

5 A. All right.

6 Q. Okay. This talks about what might be substantial
7 risk information; is that what it is at the top?

8 A. Yes.

9 Q. Then it says under the second bullet, substantial
10 risk information falls into three categories: Human
11 health effects, environmental contamination emergency
12 situation, and environmental contamination non-emergency
13 situations; is that right?

14 A. Yes.

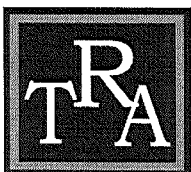
15 Q. Is that your understanding of the DuPont standard
16 at Burnside is that this was sort of your guidance on
17 TSCA's substantial risk?

18 A. I'd be honest with you, you know, we really
19 didn't deal with TSCA on the plant level very much, so I
20 would be just saying that --

21 Q. You're just kind of reading it?

22 A. Yeah. Just reading it here as I see it, and I
23 don't see anything that would contradict what the
24 philosophy at the plant level would be.

25 Q. Okay. If you turn to -- just a moment -- 17,



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 which has another three at the top.

2 A. All right.

3 Q. And then this one, the three at the top of this
4 page says what might be substantial risk information; do
5 you see that?

6 MS. WATERS:

7 That's a different page. There you go.

8 THE WITNESS:

9 Yeah.

10 BY MS. BARNEY:

11 Q. Okay. And the first bullet says, "Employee,
12 neighbor or customer concerns"; do you see that?

13 A. Maybe I've got a different list here.

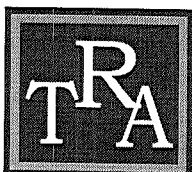
14 Q. Should be the 17th page. Here we go. "The
15 additional examples of sources of potentially reportable
16 information as follows: Employee, neighbor or customer
17 concerns," the first bullet; do you see that?

18 A. Yes.

19 Q. Did you ever, based on what you said so far -- I
20 think I know the answer, but I just need to ask you all
21 of these questions. Did you ever report anything under
22 TSCA up the chain at DuPont when you got an employee
23 concern about gas leaks?

24 A. No.

25 Q. What about when you got a neighboring call, like



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 somebody driving down River Road or somebody from living
2 in a neighborhood nearby; did you report it as a
3 possible TSCA substantial risk information?

4 A. No.

5 Q. There's a certain form, I think, if you flip
6 over -- let's see, we're on Page 17 now. If you go
7 18 -- actually, stop on 18. Sorry.

8 It says, "If in doubt about whether or not the
9 information should be submitted for internal review by
10 the TSCA review team, then submit the information as
11 instructed."

12 The second bullet says, "Additional
13 guidance/discussion on what type of information that is
14 potentially reportable can be obtained from any TSCA
15 review team member or from any TSCA SBU coordinator."

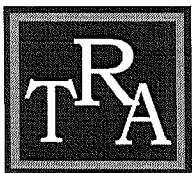
16 Do you know what a TSCA review team member is or
17 a TSCA SBU coordinator?

18 A. No.

19 Q. Okay.

20 A. I would only guess. I don't know what those are.

21 Q. All right. Then the next page, which I think is
22 the 19th page, at the top bullet, it says, "Complete
23 Page 1 of the TSCA Section 8E, potential reportable
24 form, and submit preferably electronically as directed
25 on the form."



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Is that a form that can be found on the computer
2 at DuPont; do you know?

3 A. I've never seen it, so I can't tell you where it
4 could be located at.

5 Q. Okay. Second bullet says, "The most current form
6 can be found on DuPont intranet by click on SHE," which
7 I understand stands for Safety, Health and Environment,
8 "then on regulatory, then on TSCA, then on TSCA 8E."

9 A. Then I could find it, yes.

10 Q. Okay.

11 A. I didn't read the instructions there.

12 Q. Yeah. I didn't either when I asked you the
13 question.

14 So you've never done those steps on the computer
15 to get to that point?

16 A. I've never -- as far as I know, I've never needed
17 to so I didn't go that far.

18 MS. BARNEY:

19 And, Lori, I guess we just need to put
20 that form on the list along with that S4V.

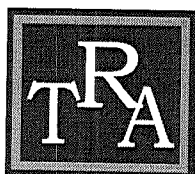
21 MS. WATERS:

22 Okay. We'll see what we can do.

23 THE WITNESS:

24 S4V should be on that same site.

25 MS. BARNEY:



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Okay.

2 THE WITNESS:

3 So you can pull that up and print that
4 out from there as well.

5 BY MS. BARNEY:

6 Q. Would you have any reason to believe that that
7 form that's referred to here is the same as the initial
8 incident report form?

9 A. I haven't laid my eyes on this, so I don't know
10 if there's any similarities at all, so I don't know.

11 Q. But nobody has ever told you that --

12 A. No.

13 Q. -- initial incident report form is the same as
14 this other form?

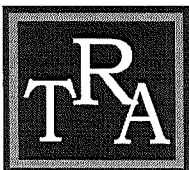
15 A. No, not to me, personally.

16 Q. Okay. Have you ever had any conversations with
17 Matt Barnes about TSCA?

18 A. Other than when we were doing the four-year or
19 five-year update, like that is the only conversations I
20 had so we can pull together the chemical inventory
21 numbers to report it.

22 Q. Okay.

23 A. And that happens so infrequently. And the last
24 time they did it, I wasn't even there. So this would
25 have been four or five years ago and it wouldn't have



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 been him. It would have been somebody else.

2 Q. Did you ever get a call from anybody in human
3 resources to say that one of the Burnside employees was
4 concerned about responsibilities under TSCA and would
5 you please steer them to the right form for that?

6 A. No.

7 Q. Have you ever talked with Tom Miller about TSCA?

8 A. No.

9 Q. What about T.J. Osbun?

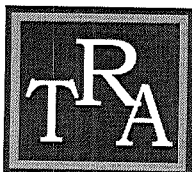
10 A. Just passing, he mentioned in a conversation
11 that -- he said that Jeff had mentioned something about
12 TSCA, but this has been since I left DuPont. And I
13 didn't get into any details with them and I just kind of
14 dismissed it because it was talking about reporting
15 under TSCA there and I didn't quite know where he was
16 coming from. I didn't get into it any more. Other than
17 your conversation on the telephone several weeks ago,
18 first time I heard it again.

19 Q. Okay.

20 A. So -- and then today.

21 Q. All right. And then let's see the next -- all
22 right. This page, which is, if you look and find your
23 way there, after this one. One more page.

24 A. How to report internally and to whom? Is this
25 it?



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. Yeah. Now flip one more page.

2 A. All right.

3 Q. This second bullet on this page says -- this one
4 is called "How to report internally and to whom."
5 Second bullet says that the review team members are
6 listed on the second page of the form. So if we had the
7 form, then I guess we would know who the review team
8 members are.

9 A. Yes.

10 Q. And supposed to be, apparently, one
11 representative from Haskell Laboratory?

12 A. Yes.

13 Q. From the corporate safety health and environment
14 and sustainable growth center?

15 A. Yes.

16 Q. And from legal?

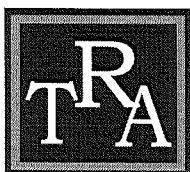
17 A. That's what I read.

18 Q. Have you ever heard of Haskell Laboratory?

19 A. Yes.

20 Q. What is that?

21 A. It's the kind of official DuPont laboratory that
22 whenever they're considering making a new product, they
23 go through all of the quality characterizations and
24 evaluations on chemicals that they consider
25 manufacturing.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. Okay.

2 A. So it's located in -- I think it's in New Jersey.

3 Q. All right.

4 A. They have a lot of data up there on everything
5 that DuPont manufactures.

6 Q. Who do you know that's above you in the chain of
7 reporting, I guess, or I don't mean -- let me strike
8 that.

9 In the chain of command, for lack of a better
10 word, above you in the safety, health and environment
11 group at DuPont? That would be Matt Barnes?

12 A. Matt Barnes. Let me think of some of the other
13 ones that would be up there. There's a number of them
14 that work in Wilmington. I'm trying to think of some
15 names right now.

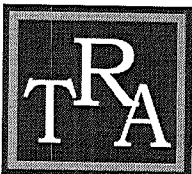
16 Q. Now, who's above Matt; do you know?

17 A. Matt's supervisor is Guy, who is a -- he's like
18 an operations manager for all of the plant managers, so
19 he reports to him and then Guy reports to like the vice
20 president that has all of the sulfur products so...

21 Q. Okay. So Matt doesn't report to an environmental
22 person; he reports to an operations person?

23 A. He's -- yes. I think that's the way it goes,
24 unless it's changed since I was out there.

25 Q. Okay. Then bottom bullet on this same page says,



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 "The completed form should be promptly submitted to the
2 review team as the time period for reporting to EPA
3 generally is 30 days."

4 Were you aware of that time period, the 30-day
5 time period, with regard to any notifications under
6 TSCA?

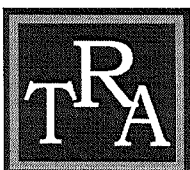
7 A. I'm aware of it now. I was more probably aware
8 of it when I took this module, but I don't remember
9 that.

10 Q. Okay. And then the next page talks about
11 penalties, up to 37,500 a day, and it talks about
12 employees having -- if employees use this form or this
13 process that DuPont has created or internally reporting
14 under TSCA, then they're relieved of liability under
15 TSCA. Is that what it basically says?

16 A. That's what that last paragraph is saying, yes.

17 Q. Okay. The next page talks about notifying the
18 submitter of the reporting decision rights under TSCA.
19 I take since this is all sort of not really something
20 you worked with too closely, you never had the occasion
21 to go back to someone and say your concern about a TSCA
22 violation has been reviewed and we either did or didn't
23 report it to the EPA; right?

24 A. No. I have never seen anything -- I've never
25 seen any notification. I've never seen any follow-up or



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 aware if any follow-up was done to a notification that
2 was submitted. I'm not aware of one that was submitted,
3 so...

4 Q. Okay. You never -- I think we covered this, but
5 you never steered an employee who had concerns about gas
6 leaks to the TSCA form?

7 MS. WATERS:

8 Asked and answered.

9 THE WITNESS:

10 No.

11 BY MS. BARNEY:

12 Q. All right. Let me show you a document that I
13 will mark as Exhibit 11 and ask you to take a look at
14 that e-mail. This is -- and I don't know if it's a
15 Bates number. It may be, but I'm using Exhibit J to the
16 complaint, but it's probably a Bates number that I don't
17 have.

18 (Whereupon Exhibit No. 11 was marked for
19 identification.)

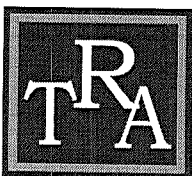
20 MS. WATERS:

21 Doesn't look familiar. Let me see if I
22 can find it.

23 MS. BARNEY:

24 Did you switch yours to date order?

25 This one has some handwriting at the top



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 corner. Says "First quarter environmental report".

2 MS. WATERS:

3 Okay. This one's it. It's not as
4 pretty.

5 MS. BARNEY:

6 Is it the same document?

7 MS. WATERS:

8 It's the same. It's just that I don't
9 have like the handwriting on top.

10 MS. BARNEY:

11 For the record, what's the Bates number?

12 MS. WATERS:

13 Bates number is DSF 000911.

14 MS. BARNEY:

15 Okay. So we're attaching the version
16 that is Exhibit J to the complaint, but the same e-mail
17 has that Bates number and it is dated March 27, 2012.

18 BY MS. BARNEY:

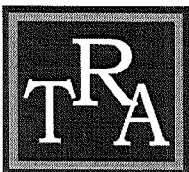
19 Q. All right. Mr. Long, this appears to be an
20 e-mail from you to a group of people; is that right?

21 A. I would send this out to the whole plant, really.

22 Q. And this was for the first quarter of 2012?

23 A. Yes.

24 Q. And, basically, I think you're saying here there
25 were no Title 5 permit deviations during this quarter.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 That's a sentence down in the middle of the e-mail.

2 A. Yes.

3 Q. And then it says, "There were no significant
4 environmental management system changes during this
5 quarter."

6 A. Right.

7 Q. What does that mean?

8 A. Well, environmental management system is an
9 acronym, EMS acronym the way that ISO 14001 calls your
10 management system. They specifically say that all the
11 things that you have in place to make sure that you're
12 managing your environmental programs correctly is part
13 of your environmental management system. So we are --
14 by that statement, I'm just saying that there weren't
15 any changes within ISO 14001 that required anything to
16 be -- any of that progress to be updated in this
17 particular report.

18 Q. Okay.

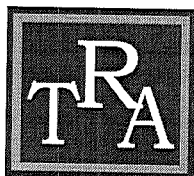
19 A. Or e-mail.

20 Q. And then it says, "Overall environmental
21 complaints in one quarter 2012," which I guess means the
22 first quarter.

23 A. Yes.

24 Q. "Was excellent."

25 When you say environmental compliance, what does



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 that mean? Does that mean permit compliance or
2 something broader?

3 A. Probably. Probably broader, because it's not
4 just permits. It's probably all inclusive and -- but
5 I'm specifically here referring to like environmental
6 incidents there. That's the last sentence there. I say
7 a goal is for no A and B incidents -- environmental A
8 and B incidents, and I see our goal is zero.

9 Q. What is the significance of that sentence?

10 A. That statement? Just merely reflecting that we
11 did not have any serious environmental incidents during
12 that quarter.

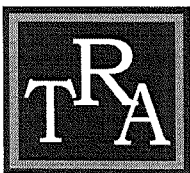
13 Q. So if there were C incidents with the letter C,
14 then they weren't necessarily captured in this report?

15 A. No.

16 Q. And that categorization is an internal DuPont
17 standard?

18 A. Yes. I didn't have any control over that. That
19 point system that you see like in the management central
20 incident reports there assigns that -- certain values
21 and there's thresholds for each category there, so...

22 Q. Okay. What is the off-site significance? I've
23 heard a lot -- I think you mentioned it and there were
24 some log reports that mentioned whether gas is traveling
25 off-site. What is the significance of that? Did it



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 come from this internal categorization process?

2 A. That would be part of the rating. If it did get
3 off-site, then that would change the rating because I
4 think -- if you look on there, there is a place that
5 when you rate it, whether it got off-site, then that
6 would change -- the points there would make it a more
7 serious incident and possibly bringing it into a
8 Category B.

9 Q. Okay. So when you're making this report, you're
10 not saying that there was never a release of toxic
11 chemical to the air during the first quarter of 2012;
12 right?

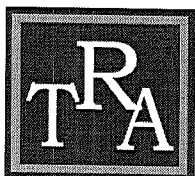
13 A. No, I can't say that because there's -- you're
14 always having an emission, you know, from your stack,
15 you know, but we have permit limits on that, so I would
16 report it if there was a deviation from that permit
17 limit.

18 Q. Okay.

19 A. Where we exceeded that permit limit, that would
20 go on this report.

21 Q. Okay.

22 A. But, no, we wouldn't capture -- for instance,
23 you're referring -- probably referring to leaks around
24 the HIP and CIP. No, we would not have reported that in
25 here.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. Okay. Even though those might have been a
2 release of a toxic chemical to the air at the plant, it
3 didn't get scored as an environmental A or B incident,
4 so it didn't make it into this e-mail report?

5 MS. WATERS:

6 Asked and answered.

7 BY MS. BARNEY:

8 Q. Is that right?

9 A. Yes.

10 Q. Okay. And in doing this e-mail report, you
11 weren't trying to address anything other than
12 environmental -- strike that. Let me start over.

13 You weren't addressing safety issues like OSHA
14 issues?

15 A. No.

16 Q. Or employee hazard issues?

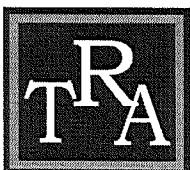
17 A. Yeah.

18 Q. Separately from just the environmental --

19 A. Right.

20 Q. -- reporting that you've done here --

21 A. That's actually -- this is a progress report on
22 the environmental management system that's part of ISO
23 14001 requirements. You have to do that on a quarterly
24 basis letting the employees know how effective your
25 environmental management systems are and this is just a



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

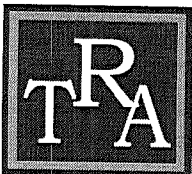
1 -- it's kind of a free format that I came up with to
2 kind of highlight, you know, what we're doing, what
3 we're making progress toward, to kind of let the
4 employees know that, you know, these are the systems in
5 place. These are working. This is -- this is, you
6 know, what we've done, you know, made excellent, you
7 know, and these are the ones that we're working on,
8 those types of things. So it's just an update of the
9 progress of the environmental management system. And
10 other than ISO 14001, this kind of thing probably
11 wouldn't exist. There could probably be a way to
12 formalize this more, but we chose to do it in e-mail
13 fashion and communicate it to the employees through
14 e-mail.

15 Q. Okay. And so I guess since we've talked about
16 TSCA a good bit and the fact that you really didn't use
17 or refer to TSCA very much in your job, you didn't
18 consider TSCA when you prepared this e-mail; right?

19 A. No.

20 Q. Okay.

21 A. Someone would have to -- corporate would have had
22 to tell me that there was a need to include that in this
23 report under TSCA and, you know, all of our discussions
24 with ISO 14001, those that have implemented it from the
25 corporate level down to us never communicated that to me



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 so that I would have included it in this report.

2 Q. All right. You're not in a position to say when
3 you're writing this e-mail whether or not the plant was
4 in compliance with TSCA or not because you weren't
5 really trained on that or expected to report on that?

6 A. I didn't have expertise in that particular
7 regulation. That was done on the corporate or below
8 corporate level, anyway, a level higher than me, so...

9 Q. And as far as you -- you didn't receive that
10 instruction by the time you left DuPont in late July of
11 2012; right?

12 A. No.

13 Q. Do you know whether Guy Tannini came out to the
14 Burnside plant from time to time?

15 A. Yes. I don't know how many times, but he
16 generally came out every couple months or so.

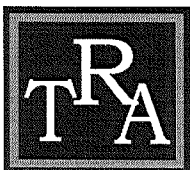
17 Q. Okay. So he was aware of this hose system, this
18 black plastic hose system that was being used to try to
19 capture the leaking gas?

20 MS. WATERS:

21 Object to form.

22 THE WITNESS:

23 I could only guess whether he was aware
24 of it. I assume that he would be because these reports
25 that were in management central, he saw these reports,



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 so everybody, you know, from our plant level on up
2 through corporate saw these reports.

3 BY MS. BARNEY:

4 Q. And the report sort of at least -- some of the
5 ones we've looked at at least refer to losing vacuum --

6 A. Uh-huh.

7 Q. -- or a vacuum box insert.

8 A. Yeah.

9 Q. And you're thinking is that they probably also
10 refer to the hoses from time to time?

11 A. Yes, because I know it...

12 Q. I'll show you one that we'll mark as Exhibit 12
13 and it's Bates labeled 20 through -- let me see what the
14 last page is. I'm sorry. 20 through 23.

15 (Whereupon Exhibit No. 12 was marked for
16 identification.)

17 BY MS. BARNEY:

18 Q. That's a report -- an investigational report from
19 back in August of 2011; is that right?

20 A. Yes.

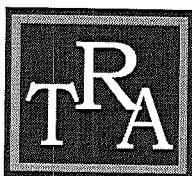
21 Q. And that's a leak on the --

22 A. Converter.

23 Q. Converter?

24 A. Yes.

25 Q. And that's referring to the hose and the hose



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 melting down; is that right?

2 A. Yes.

3 Q. Okay. Can you tell from that document at the end
4 of it that it was actually submitted or issued into the
5 management system?

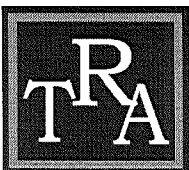
6 A. It says on August 11th that Thomas Miller -- the
7 status updated to issued so it was issued.

8 Q. Okay. So that's what you were referring to
9 earlier. If an investigational report referred to the
10 hoses and vacuum system with the hoses and it was issued
11 into the management system, then people like Guy Tannini
12 and Matt Barnes would have access to that?

13 A. Yeah. I think everybody at DuPont had -- at
14 least the C personnel would have -- and operations
15 personnel would have this -- be able to go into this.
16 They would look at it to see if -- other plant managers
17 would look at it to see if there's anything there
18 related to their plants there that they could use the
19 information or to help them. So that's what the purpose
20 of the management central was.

21 Q. All right. Did you ever have any specific
22 conversations with Matt Barnes about the plastic hose
23 and the metal box system?

24 A. I'm sure we did, but we kind of did that on --
25 more of on a plant level. He was aware of that. I'm



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 sure we've had conversation, but it was not anything
2 that I raised to him as an issue or anything.

3 Q. Did he ask you how long, you know, are they going
4 to operate with these hoses and when are they going to
5 do a permanent repair and that sort of thing?

6 A. No. I mean, we discussed whether we were going
7 to do a permanent repair when the exchanger started
8 leaking. We knew that they had to redesign the
9 exchangers and they were in the process of doing that.
10 It took a lot of money and a lot of work to get that
11 design. They had to redesign it so we kind of said, you
12 know, that issue, that probably won't go completely away
13 until we get it redesigned. We've had those kind of
14 conversations, but, you know, I don't know about saying
15 anything specifically about the hoses. I don't think we
16 have ever discussed that.

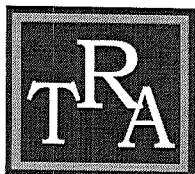
17 Q. Okay. He never asked you how many times the
18 hoses were melting down, how frequently, anything like
19 that?

20 A. I'm not aware of --

21 Q. He didn't ask you, as you recall?

22 A. No.

23 Q. What about Mr. Tannini, did he ever call you and
24 say what's this about, a hose meltdown, how often was
25 this happening?



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. He probably would have done -- directed that
2 question to Tom Miller who would have asked Gene Clemons
3 about that.

4 Q. But you don't --

5 A. But he's never called me directly and asked me
6 that.

7 Q. And you don't know whether he called Tom Miller
8 or not?

9 A. No.

10 Q. But he's physically been at the site?

11 A. Yes.

12 Q. So he saw the black hoses up there?

13 A. I can't --

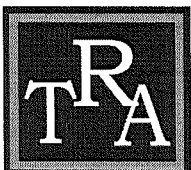
14 Q. If he walked around to look at the plant --

15 A. If he walked around and I'm sure he did because
16 every time he's been there, he's walked around so he
17 should be -- I'm just guessing he should be aware of
18 this.

19 Q. Okay. Have you ever been aware of Mr. Tannini
20 being at the Burnside plant at night?

21 A. I'm sure he was there during some start-ups we've
22 had because he had come for a few days like that. If we
23 had a start-up, you know, he would be involved and he
24 would probably stay into the night.

25 Q. What kind of start-up would prompt him to come,



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

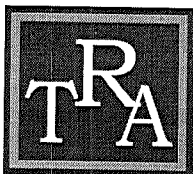
1.866.982.6878 TOLL FREE

1 like new equipment?

2 A. No. He wouldn't come for -- for instance, just
3 like we put in -- when we did do absorption, started
4 that up, he would have been here for that start-up
5 because that involved several days and extending over to
6 night. You know, he wanted to see how the plant was
7 going to perform when it got up, you know, so he would
8 have been there for that.

9 Q. That was back in like '09?

10 A. Probably '09 and then perhaps when we had an
11 outage one time for several weeks when we had a -- I'm
12 trying to think what particular piece of equipment went
13 out and they had to completely rebuild it. It was out
14 for several weeks. He probably was here during that
15 time. He may have stayed at night, but, you know, at
16 that time, the plant would have been down, you know.
17 So, in fact, the only time he would have probably been
18 out here for any extended period of time when the plant
19 was running was when they had the initial start-up in
20 2009. I'm just guessing. There may be other times that
21 he was probably out during this visit during the day and
22 he might have stayed over into the nighttime. I just
23 didn't make it a habit too much of noticing how much he
24 was around or not around. I just know that he made
25 regular visits.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. Okay. As far as you know, there was no cold
2 shutdown of the Burnside plant between December 2011 and
3 the time you left; right?

4 A. Cold shutdown?

5 Q. Yes.

6 A. I'm sure that there probably were some.

7 Q. Okay.

8 A. I remember specifically sometime in 2012 there
9 was a shutdown to repair some of the leaks that were on
10 the -- they had hoses on the CIP and the HIP. I'm not
11 sure what month that was, but I know we had shutdowns to
12 do that type of repair work.

13 Q. Okay. If some of the other witnesses, including
14 I think Tom Miller, testified that there were shutdowns
15 but not cold shutdowns --

16 MS. WATERS:

17 Object to form.

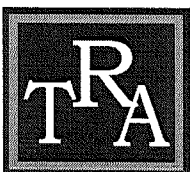
18 BY MS. BARNEY:

19 Q. -- would you have any reason to dispute that? Do
20 you know -- go ahead and answer that.

21 A. There were shutdowns but not --

22 Q. They were hot shutdowns.

23 A. The hot shutdowns? I remember a cold shutdown
24 when they had to go completely cold to be able to get
25 into that exchange area. We had other times where we've



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 -- they had to have hot shutdowns where they could go
2 with the equipment still hot, fix it and go back there,
3 but I remember -- I don't know what month, but I do
4 remember going cold because they had to pull insulation
5 away from the HIP and the CIP, whichever equipment they
6 were working on there, and actually get in there after
7 the equipment had cooled down.

8 Q. Do you think --

9 A. So it was probably maybe once, you know, in 2012
10 I think we did that, but probably several times were hot
11 shutdowns where they got it just cold enough to work on
12 it there and then were able to come and start the plant
13 back up again.

14 Q. Do you think maybe you could be thinking of a
15 cold shutdown before December of 2011?

16 MS. WATERS:

17 Object to form.

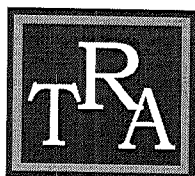
18 BY MS. BARNEY:

19 Q. Because you left in June or July -- you left at
20 the end of July 2012.

21 A. It is possible but --

22 Q. Just because the documents and testimony so far
23 have indicated there was not a cold shutdown after
24 December 2011 until September 2013.

25 MS. WATERS:



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Object to form.

2 THE WITNESS:

3 Okay.

4 BY MS. BARNEY:

5 Q. So I just want to -- if you specifically
6 remember --

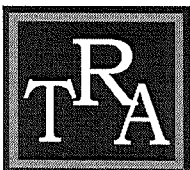
7 A. No, I don't specifically remember --

8 Q. -- that it happened a certain month --

9 A. I just remember within it seems like months of me
10 no longer working with DuPont that there was an
11 opportunity to have a cold shutdown to do work on the
12 HIP and the CIP. But my several months may have been
13 six months or longer, you know, so I could be wrong. It
14 could have been the end of 2011.

15 Q. And do you recall maybe there being a planned
16 shutdown or several planned shutdowns that didn't
17 happen, like they were going to shut down but then
18 something occurred that caused them not to take the
19 shutdown? Do you remember any of those discussions?

20 A. No. I kind of hear about the shutdowns after the
21 fact. I weren't really privy to planning shutdowns
22 there, which would have given me information to know
23 that. I kind of knew after they had already planned it
24 and set it in place whether to shut it down or not shut
25 down or changed their mind about shutting down. That



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 was kind of after the fact for me.

2 Q. All right. I think you said that you wouldn't
3 dispute that the hose and the metal box system may not
4 be catching all of the gas that was leaking out of the
5 equipment; right?

6 A. I can't say that it would not, but I can't
7 foresee that it would catch every bit of fumes coming
8 off of it.

9 Q. And when a hose would melt down, it would lose
10 vacuum, then the leaking area would leak pretty visibly
11 or be noticeable; right?

12 A. Yes. And it would have to be replaced. They
13 might have to reduce rates or even shut down if, you
14 know, it got bad.

15 Q. And you testified that you only did maybe two or
16 three calculations on two or three holes -- well, two or
17 three calculations which would reflect two or three
18 holes --

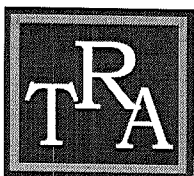
19 MS. WATERS:

20 Asked and answered.

21 BY MS. BARNEY:

22 Q. -- leaking; is that right?

23 A. There -- I'm just recalling how many times.
24 There may have been more. I just don't recall if
25 there's more. I didn't do a lot, but I certainly did



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 two or three.

2 Q. Based on that, you could not tell us -- if
3 somebody wanted to call you to trial and put you on the
4 stand and tell us how much SO3 gas has leaked out of the
5 HIP, the CIP, the converter, the superheater or the
6 ductwork or the plenums attached to them between
7 December 2011 and the time you left DuPont, you couldn't
8 tell us that; right?

9 A. I don't think anybody could.

10 Q. All right. And you're not --

11 A. We just made a best estimate assuming worst case
12 in our estimations, you know, hole size, you know,
13 pressures and temperatures and that sort of thing, our
14 best estimate of the worst case.

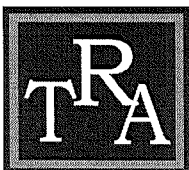
15 Q. Okay. When you were asked to do that by the
16 plant manager for an investigational report; right?

17 A. Yes.

18 And it wasn't just the plant manager. It may
19 have been -- Elizabeth I know has asked me to do that in
20 the past, if I remember right. She has asked me to do a
21 calculation for that or put together a calculation for
22 that in her putting together an incident report so I've
23 probably done that for her as well.

24 Q. Investigational report?

25 A. Yeah, an investigational report. Do a



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 calculation for it.

2 Q. Okay. You said incident report, but you meant
3 investigational report; is that right, because --

4 A. Either one we would have made some kind of
5 attempt to doing a calculation. What those are, I don't
6 know, but certainly with these reports --

7 Q. The investigational?

8 A. The investigational reports, we would require a
9 calculation.

10 Q. Okay.

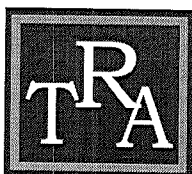
11 A. Maybe some of the incident reports we did not do
12 calculations.

13 Q. Okay.

14 A. Because it involved -- they had a hose that was
15 replaced right away or something like that and we
16 couldn't even get a look at what the hole looked like,
17 you know, so we didn't do a calculation.

18 Q. Okay. Let me just direct your attention back to
19 Exhibit 10. I think you may know the answer to this,
20 but if you need to flip back through, feel free. This
21 module does not refer to any reporting -- reportable
22 quantity that may be in play for TSCA; is that right?

23 A. Without going through it, I don't remember going
24 -- when we went through it earlier, I don't remember
25 seeing anything about reportable quantity.



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. Okay. If it's not in here, do you have any
2 information separate from this module that would say
3 that there's a reportable quantity in connection with
4 TSCA?

5 A. I have very limited knowledge of this regulation
6 so...

7 Q. So you would say no?

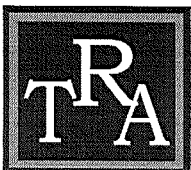
8 A. I would say no.

9 Q. Okay. I just didn't know if she heard you.

10 A. Yeah.

11 Q. Okay. Why did you leave DuPont?

12 A. I worked -- as I explained to you, I worked for
13 Eagle before, and they had a manager that left and went
14 to another consulting company. And the owner of the
15 company approached me and asked me if I would consider
16 coming back. And since I had done mostly air
17 consulting/air compliance work before, I looked at it as
18 an opportunity to get back to doing the kind of
19 specialty that I was involved in before. So talked to
20 him, discussed salary. He made it affordable for me to
21 be able to do that. These guys I had worked with were
22 friends of mine. I left that company to go to DuPont on
23 good terms so it was kind of natural for them to ask me
24 if I would come back when this other guy left. I did.
25 So I left Eagle going to DuPont on good terms and left



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 DuPont going to Eagle on good terms.

2 Q. Do you still have friends at DuPont Burnside?

3 A. Yeah. They're not close, close friends, but T.J.
4 is one of my buddies over there. I speak to him
5 probably more than anybody else. Some of the other
6 folks I run into or talk to occasionally, not too many.
7 Matt Barnes, I talk to him probably every few weeks or
8 so, but it's mostly related to them trying to find
9 something maybe that I had done before, trying to find
10 out where that's located, how did I do it, that kind of
11 thing. Just kind of help them along has they're
12 transitioning.

13 T.J. does not have a very strong environmental
14 background. He's mostly from the operation and safety
15 standpoint there so I kind of helping him along as well
16 as Matt helping him to kind of to learn that part of it,
17 you know. And I was glad to do that.

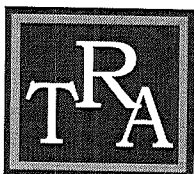
18 So I've helped them kind of off the books. I
19 haven't charged them for any of that kind of thing.
20 Just giving him information, I thought it would be
21 helpful to him.

22 Q. So DuPont is still a customer of your company?

23 A. Yes.

24 Q. But not the air division?

25 A. No. We haven't done -- other than like that



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732

225.752.7308 FAX

New Orleans, LA
504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 monitoring for --

2 Q. The groundwater?

3 A. -- the closed vent system, monitoring that we do
4 once a year, that's the only close thing to air work
5 that we do for them. Everything else involves
6 groundwater monitoring where they sample and do reports
7 on the surface endowments.

8 Q. Could you potentially do that air work for DuPont
9 if they asked you to do that?

10 A. Well, if they got to the point where they needed
11 to do a permit modification to expand their facility,
12 yes, they would maybe consider me. I don't think
13 there's anybody in-house that could do that for them so
14 I made it known to them that I -- you know, give me an
15 opportunity to do that work if you need it in the
16 future. So there's potential there.

17 MS. BARNEY:

18 All right. Real quick review. Do you
19 have any?

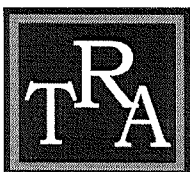
20 MS. WATERS:

21 Just a few.

22 MS. BARNEY:

23 Why don't you go ahead and I'll follow
24 up if I need to.

25 If you want to take a break, we can do that.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 I'm not trying to throw it to you.

2 MS. WATERS:

3 Can we take a quick break?

4 MS. BARNEY:

5 Yes, we can.

6 (A recess was taken.)

7 EXAMINATION BY MS. WATERS:

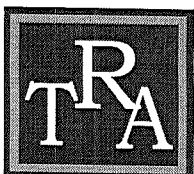
8 Q. Mr. Long, I apologize. I'm going to jump around
9 a little bit, just going through some of your testimony
10 earlier.

11 At the beginning of the day, you testified that
12 it was difficult for the Burnside plant to find another
13 person to fill your job. Do you know why it was
14 difficult to find someone for your position?

15 A. I think they wanted someone with a substantial
16 amount of environmental experience and the candidates
17 that came through maybe were not -- didn't have the
18 level of experience or maybe their salary demands were
19 such that they couldn't come to an agreement.

20 Q. Just a little bit ago, you said that T.J. Osburn,
21 who actually filled the position now, had very little
22 environment experience. Do you know why they filled
23 that position with him if he didn't have that much
24 environmental experience?

25 A. I think it ended up being probably cost



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

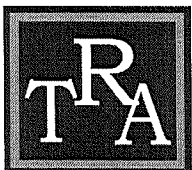
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 considerations. Corporate -- DuPont corporate, when it
2 comes to hiring, moves very slow. I was hired -- they
3 approached me about coming to work for DuPont a year
4 before I ever came there. It took them that long to get
5 me through the system to get approved to be hired by
6 DuPont. So it doesn't happen very fast and if you're
7 doing a -- there's some changes going on with DuPont. I
8 don't know if he was aware that they had some
9 cost-saving measures to be able to -- they were -- the
10 company was either for sale or they're going to roll the
11 company into some other company now there. So they
12 probably cut back on the purse strings a good bit and
13 probably that was a good bit of it involved in these
14 cost-savings measures. They didn't have the money. It
15 takes forever to get someone approved there. So T.J.
16 had enough savvy and experience at the plant that he is
17 able to pick up just about anything that you throw at
18 him so...

19 Q. Okay. So you're confident that he's able to do
20 this job?

21 A. I'll help him as much as he needs to to be able
22 to transition there, but I think he's picking up a lot
23 of the stuff already on his own. And, of course, he
24 works with Matt, who has probably not as much
25 environmental experience as I did, but Matt has been



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 around a good bit and has worked for the other plants
2 there. So he used his cumulative experience with the
3 other acid plants like that to kind of help T.J. go
4 along and T.J. -- I think he's doing a good job from
5 what I understand.

6 Q. Okay. Great.

7 I apologize. I think I missed this, but when you
8 were at LSU to get certified, I think it was between
9 1991 and 2000, I didn't catch what your
10 certification was.

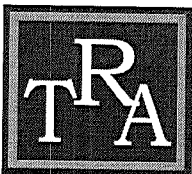
11 A. It's called a certified environmental --
12 professional environmental manager.

13 Q. Okay.

14 A. And it was a program incorporation with DEQ and
15 LSU. LSU offered the courses and DEQ gave the
16 certification or certificate. It was just the ability.
17 I didn't have -- when I started with C-K, I didn't have
18 a lot of environmental experience so it was a way to get
19 some coursework done without having to go back through
20 another four-year program or something like that and get
21 the type of training that they would need.

22 Q. Okay. Got you.

23 Moving along, I had a question about the inlet
24 analyzer. Was the inlet analyzer that measured the SO2
25 continuous?



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. Both the inlet and the stack analyzers measured
2 continuous.

3 Q. But not for SO3?

4 A. They may have the capabilities of doing that, but
5 their primary function is to provide SO2 concentration.

6 Q. Okay.

7 A. You're asking me things that I have to think
8 about now that I haven't -- like I was saying, I have
9 not given this very much thought so I'm just kind of
10 asking myself -- as you ask the question, I'm asking
11 myself where I have thought about that before so some of
12 the questions might not be -- the answers might not be
13 as smooth.

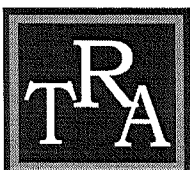
14 Q. You're doing pretty well. Your recall is doing
15 pretty good. Better than I would.

16 A. The older you get, the more -- you start
17 replacing that with other opportunities. I've dealt
18 with a number of other clients there and haven't thought
19 about DuPont in a long time like that. Recalling some
20 of the specific details about these things is kind of
21 hard on this old brain.

22 MS. BARNEY:

23 Which story went with which person;
24 right?

25 THE WITNESS:



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Yeah.

2 BY MS. WATERS:

3 Q. Earlier, you testified about the DEQ coming out
4 sometime maybe in April or May of 2012.

5 A. Yes.

6 Q. Do you recall how many times the DEQ came out
7 there while you were working there?

8 A. For these types of incidents, there was like --
9 I'm just aware of about two times, I think.

10 Q. So just dealing with gas leaks, just two times?

11 A. Two times that I'm aware of.

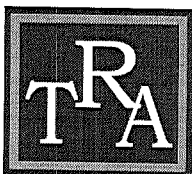
12 Q. Okay.

13 A. There may have been another time, but I'm not
14 aware of that right now. Most of the other times would
15 have been doing a regular inspection they do. They're
16 required to annually do a -- what's called like an air
17 compliance inspection or Title 5 facilities are required
18 to be inspected by DEQ on an annual basis. So they
19 would look at all of those kinds of things during --
20 they're not necessarily investigating incidents but
21 looking to see how you're complying with your Title 5
22 permit.

23 Q. So that's annually; correct?

24 A. That's annually, yes.

25 Q. Do you know what time of year they come out?



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. Normally, in the latest year, they've been known
2 to come out like on the day that you want to take off
3 for the holidays because they're trying to cram in all
4 of their inspections at the end of the year. So
5 probably Thanksgiving, right before Thanksgiving or
6 right before Christmas, at the very end of the year so
7 November/December timeframe.

8 Q. Earlier, in your testimony today you had
9 mentioned that you knew that Jeff Simoneaux may have
10 been gearing up for a case. Do you recall what issues
11 that you knew why he would be filing a suit?

12 MS. BARNEY:

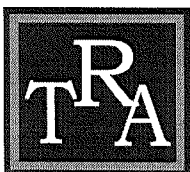
13 Object to the form.

14 THE WITNESS:

15 I don't -- because I'm trying to
16 differentiate between the first time that he had a suit
17 was not involved with the environmental incidents there
18 so I don't know all of the circumstances. I just know
19 that kind of in all of the talk about that that it was
20 brought up that he was having a suit brought against
21 environmental issues.

22 BY MS. WATERS:

23 Q. With respect to the initial incident reports, you
24 had testified earlier that you were the responsible
25 party for filling in the environmental deviation



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 section; correct?

2 MS. BARNEY:

3 Objection, leading.

4 THE WITNESS:

5 On one particular part, I remember that
6 I did that. On other ones, I may have done that. I
7 just didn't get credit for it in the report because it
8 didn't show me as doing that, but I probably have guided
9 either Tom Miller or Elizabeth as he sat down and went
10 through that rating there. I would have done that.

11 BY MS. WATERS:

12 Q. Okay. And then I think you said that you may
13 have talked to the operators to help you fill out that
14 portion of the report?

15 A. Yes.

16 MS. BARNEY:

17 Object. Are we talking about the
18 initial incident report or the investigational --

19 MS. WATERS:

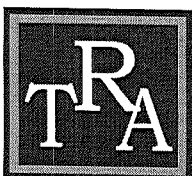
20 The initial. No, the initial.

21 MS. BARNEY:

22 Because I think he was pointing to the
23 investigational --

24 MS. WATERS:

25 I initialed it. I'm sorry if I didn't.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 BY MS. WATERS:

2 Q. Do you recall any specific conversations -- let's
3 go -- wait, I think it's Exhibit 5. Let's just do the
4 top one, Bates 68. We're looking at Exhibit 5 and the
5 Bates number is DSF 68. Do you see the date on top as
6 April 11, 2012?

7 A. Yes.

8 Q. It looks like the incident time was during the
9 nightshift. When would you actually speak with the
10 operator if that operator was on the nightshift and fill
11 this report out?

12 MS. BARNEY:

13 Object to the form.

14 THE WITNESS:

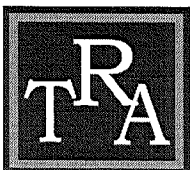
15 This nightshift would have been the next
16 morning. I would probably have first spoke to
17 Elizabeth.

18 MS. WATERS:

19 Okay.

20 THE WITNESS:

21 And then if I needed more details, I
22 would have gone to the operator and asked them more
23 about that. So if they were on nightshift, I may -- it
24 may have been until they came back on days or it -- we
25 may have called them from Elizabeth's office and asked



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 them details after they had a chance to sleep from the
2 night. I'm not sure exactly what the specifics of that
3 would have been.

4 MS. WATERS:

5 Okay.

6 THE WITNESS:

7 And it may be in that particular
8 incident that we didn't speak to the operator about it.

9 BY MS. WATERS:

10 Q. Okay. So you don't -- there are times when you
11 don't speak to the operator at all?

12 A. If we got all that I needed to do, the facts
13 about it, you know, from talking to Elizabeth or
14 maintenance people or whomever like that, that certainly
15 we may even not talk to the operator about it.

16 Q. Okay.

17 A. He's just -- the operator is kind of initiating
18 this to make sure that it's looked at.

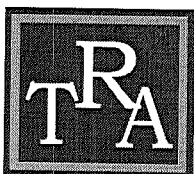
19 Q. All right. We're going to go to Exhibit 4 and
20 that's Bates numbered DSF 5. You went over this several
21 times regarding the actual release being SO2; correct?

22 MS. BARNEY:

23 Object to the form.

24 THE WITNESS:

25 I guess my -- there was a -- I guess



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 questions to me about why was it SO3 in the -- well, I
2 don't see where it's SO3 in this particular report, but
3 it's SO2 in this report.

4 MS. WATERS:

5 Right.

6 THE WITNESS:

7 And I don't see where sulfur trioxide is
8 even mentioned in this report. There was one in -- one
9 section that had SO2 and another section that had SO2
10 and SO3.

11 BY MS. WATERS:

12 Q. Yes, that's a different report.

13 A. Well, this particular report right here is SO2, I
14 assume because it was a -- where it was located -- where
15 the leak was located.

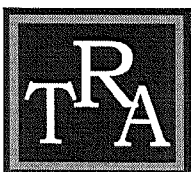
16 Q. Is it possible that after an investigation was
17 performed that was reported as an SO3 leak, the initial
18 -- strike that. Let me start over.

19 If the initial report indicates that it's an SO3
20 leak, is it possible after an investigation that the
21 leak could actually be SO2?

22 A. Yes.

23 Q. Okay.

24 A. Because you assume that maybe every part of that
25 exchanger there was -- would have SO2 and SO3 in it, but



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 it may turn out to only be SO2 when you pinpoint the
2 exact location and determine that that actually -- the
3 concentration of gas there does not have any SO3 in it.
4 It is possible, yes.

5 Q. Okay. Thank you.

6 A. I don't know if that occurred in or not.

7 MS. BARNEY:

8 I'm going to do the same motion to
9 strike I did earlier. Just for lack of foundation just
10 so it's clear.

11 MS. WATERS:

12 Got you.

13 BY MS. WATERS:

14 Q. Earlier, you mentioned that you go by only the
15 regulatory RQs?

16 A. Yes.

17 Q. What is the regulatory RQ for an SO2 leak?

18 MS. BARNEY:

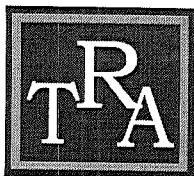
19 Object to the form.

20 THE WITNESS:

21 It would be the same as an RQ for
22 sulfuric acid, which is 1,000 pounds. Same thing for
23 SO3.

24 BY MS. WATERS:

25 Q. SO3 is the same thing?



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. Yes.

2 MS. BARNEY:

3 I'm just objecting to the form.

4 BY MS. WATERS:

5 Q. Okay. I apologize. I'm skipping.

6 You testified earlier that you recalled one of --
7 or you recall smelling SO2 in the DynaWave section where
8 you passed by.

9 A. Yes.

10 Q. Was it leaking?

11 A. There was a pump leaking that turned out there.
12 It was a pump seal that was leaking.

13 Q. Do you know what occurred to mitigate that leak?

14 A. They repaired the seal.

15 Q. Okay. Did they completely fix the seal?

16 A. I assume. I didn't smell it anymore so I assume
17 it was gone so they must have fixed it.

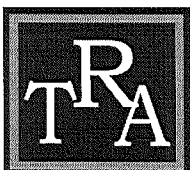
18 Q. All right. I think I'm almost done. Let's see.

19 Based on your training on the TSCA module, do you
20 recall any of the leaks to be a substantial risk that
21 you needed to report under TSCA?

22 MS. BARNEY:

23 Objection, asked and answered, lack of
24 foundation.

25 THE WITNESS:



1 I don't -- I didn't have enough
2 experience in that regulation to make that determination
3 whether it was a substantial risk or not.

4 MS. WATERS:

5 Okay. I think I'm done. I think I'm
6 done.

7 RE-EXAMINATION BY MS. BARNEY:

8 Q. Okay. Mr. Long, what is the basis for your
9 testimony that a regulatory RQ for SO3 is 1,000 pounds?
10 And I guess I would ask which regulation you're
11 referring to and how do you arrive at 1,000 pounds?

12 MS. WATERS:

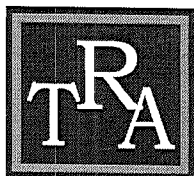
13 Asked and answered.

14 THE WITNESS:

15 I would have to go back and look it up.
16 My specific knowledge there is that we had those RQs
17 listed in our operating procedures and it have would
18 been based on -- the citation would probably be listed
19 in there for reporting leaks. I can't quote chapter and
20 verse to you right here, but that's based on my
21 understanding and other people that's involved with the
22 DuPont -- with what the RQ is for that.

23 BY MS. BARNEY:

24 Q. Okay. So that was a DuPont-created document that
25 you're referring to?



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 A. Yes.

2 MS. WATERS:

3 Object to form.

4 BY MS. BARNEY:

5 Q. Okay. I think we attached as Exhibit 1 to your
6 deposition one of these calculation sheets.

7 MS. WATERS:

8 I think it's 2.

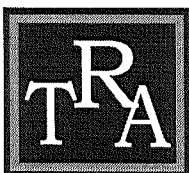
9 BY MS. BARNEY:

10 Q. Oh, Exhibit might be 3, which is -- and I think
11 you have talked about this document. First you said it
12 was created -- the formula itself was created back in
13 '09, but the generations of calculations using that
14 would have been maybe later. I think.

15 A. Yes. But I think it was probably pretty much set
16 in concrete along the 2009/2010 timeframe. I don't
17 think we would have made any changes after it was built.
18 I'm not aware of any changes. I would not have made any
19 changes. Perhaps the author of the calculation -- like
20 I said, I think it was Lewis Chu -- would have made any,
21 you know, changes to that that were necessary.

22 Q. Did you write this note right here on Exhibit 3,
23 "Note, SO3 immediately reacts with H2O to form acid
24 mist"?

25 A. I may have. I don't recall whether I did or not,



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 but that's a true statement.

2 Q. Is that how you're arriving at 1,000 pounds?

3 A. Yes.

4 Q. For an RQ for SO3?

5 A. Yes.

6 Q. So you're using the RQ for acid mist?

7 A. No. The RQ is for -- acid mist is sulfuric acid.

8 Q. Okay.

9 A. So the RQ for sulfuric acid is 1,000 pounds. SO3
10 does not exist in the atmosphere without forming acid
11 mist sulfuric acid so that is the reason for using an RQ
12 of 1,000 pounds.

13 Q. So you're using an RQ for the substance that SO3
14 converts to when it hits the environment?

15 A. Yes.

16 Q. You're not using the RQ for SO3 as it's released
17 out of the vessel?

18 A. Right.

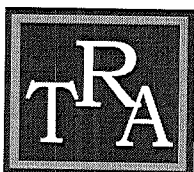
19 MS. WATERS:

20 Object to form.

21 BY MS. BARNEY:

22 Q. Do you know what the -- what DuPont says the RQ
23 is for SO3 as it's released out of the vessel?

24 A. There is not an RQ for that because it
25 immediately forms acid mist. The minute it hits -- the



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 second it hits the atmosphere, it forms acid mist.

2 Q. So you've never seen an RQ under any regulatory
3 statute for SO3 itself?

4 A. I'm not aware of any.

5 Q. You testified that you had heard that
6 Mr. Simoneaux was going to file a lawsuit about the
7 leaks, I believe is what you said.

8 A. Uh-huh. Yes.

9 Q. You heard that before you left DuPont?

10 A. And maybe shortly after.

11 Q. Were you aware of any retaliation that
12 Mr. Simoneaux received for reporting gas leaks?

13 MS. WATERS:

14 Object to form.

15 THE WITNESS:

16 No.

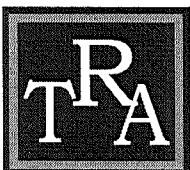
17 BY MS. BARNEY:

18 Q. Were you aware of any issues surrounding him
19 applying for a clerical or just a administrator-type job
20 and not getting that job?

21 A. I was not involved in personnel decisions so I --
22 I knew that he applied for that job. I didn't know the
23 reasons he -- they didn't give the job to him.

24 Q. So you don't really have any information --

25 A. No.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. -- about why he didn't get that job?

2 A. No.

3 Q. -- or whether he even qualified for it?

4 A. I just knew that he applied for it.

5 Q. Do you have any information of whether he was
6 qualified for that job?

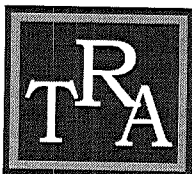
7 A. Yes. I mean, it was like an administrative
8 position, I think, that as an operator, certainly he
9 would qualify if he wanted the job. It appeared to be a
10 pay cut. I didn't understand why he would want to do
11 that, but that was his, you know, personal decision.

12 Q. Have you ever known Mr. Simoneaux to be
13 dishonest?

14 A. I didn't have a whole lot of interaction with
15 Jeff Simoneaux so I didn't -- I don't have any reason
16 to, you know, say that he's honest or dishonest. I had
17 very little interaction. The guys that were on the
18 shift like he was, you know, you'd see them for a couple
19 of days, then you wouldn't see them for a couple of
20 weeks again, you know, because they would be working
21 weekends or working nights and you wouldn't see them.
22 So I didn't have a whole lot of, you know, interaction
23 with him.

24 Q. Okay.

25 A. As well as any of the other operators that were



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 on shift.

2 Q. Ms. Waters asked you how many times DEQ was at
3 the site for anything to do with gas leaks and you said
4 twice, I think.

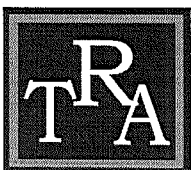
5 A. Twice. It may -- that's only the times that I
6 remember is twice. It could possibly be another time,
7 but I don't remember.

8 Q. Does that include the time they came out at night
9 and the time they followed up with you; you're including
10 both of those times?

11 A. Yes.

12 Q. When DEQ was at the site, did you personally take
13 the DEQ folks out to see the -- any leaks on the CIP,
14 the HIP, converter or the superheater?

15 A. I didn't personally do that. I think I remember
16 offering to take them whenever they wanted. If they
17 wanted to look at it, if they had -- when they finished
18 up, if they had all of the information that they wanted,
19 did they want to go outside and look at it. I don't
20 remember she specifically declining there, but she
21 didn't seem like she was interested in going outside to
22 look at it. I think she said she had either looked at
23 it on camera and/or had seen all she needed to see and
24 then I provided her with the report and the written
25 calculations. And the best of my recollection, we



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 didn't go outside.

2 Q. And do you specifically recall asking her if she
3 wanted to go look outside or is that just what you're
4 thinking, you probably did?

5 A. I was thinking --

6 MS. WATERS:

7 Objection.

8 THE WITNESS:

9 -- because she had said they came at
10 night before and didn't -- weren't able to see anything
11 at night, that she would want to do that during the day
12 but -- during the day where she could see. So I'm
13 almost positive I would have offered because there's --
14 that was the opportunity for coming back during the day,
15 but I can't say for sure that that's what I asked her.
16 But that would make sense that to ask her if he couldn't
17 see anything at night, come back during the daytime to
18 go out there and look at it.

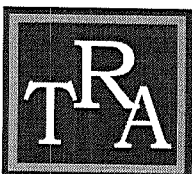
19 Q. Did you give the DEQ representative any
20 documentation about the hose and vacuum system that was
21 trying to suck up leaks at the site?

22 MS. WATERS:

23 Object to form.

24 THE WITNESS:

25 Other than if it would have been on the



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES
tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 investigation report, any mention of that, that would be
2 the only information I gave her. I wouldn't have given
3 her anything -- I wasn't aware of anything -- any
4 documents that exist other than the investigation
5 reports that would mention hoses.

6 BY MS. BARNEY:

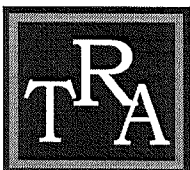
7 Q. Did you say you showed the DEQ person a camera?

8 A. No. If she went in the control room, she
9 would've looked at cameras because they have cameras
10 that are focused on that equipment like that. She would
11 have looked at the cameras and I think I remember her
12 saying that she looked at that. But you can't really
13 tell anything at nighttime so I think that's why she
14 decided to come back during the daytime and then to get
15 with me when I was there to look at any reports that
16 were made. So she came back within two or three days, I
17 think.

18 Q. You mentioned a sale of the plant. Where did you
19 learn about the sale of the plant that was in the works?

20 A. I'm not sure whether Matt Barnes or T.J. Osburn
21 told me about it several week ago, that the plant was up
22 for sale.

23 And in the meantime, they told me they decided
24 whether or not -- they're not going to sell any of their
25 plants there. They're just going to roll that over into



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 a new company and I think DuPont is specifically going
2 to be involved with ag, food, crop, that type of thing,
3 that they started investing in a number of years ago and
4 that all of their chemical plants are going to be in
5 another company with a different -- completely different
6 name.

7 Q. Did he say why they were going to do that?

8 A. I think the philosophy the president at DuPont
9 has changed that she wanted to be focus in on those
10 types of businesses rather than chemical plants and
11 wanted someone else to take that. It's just a
12 philosophy of the president of the company and CEO of
13 the company. It was evolving to -- with a chemical
14 business was -- is not as attractive to her as it was
15 maybe the preceding CEO so...

16 MS. BARNEY:

17 Okay. I guess just add to the list the
18 sale documents that I think we requested in our RFPs
19 documents.

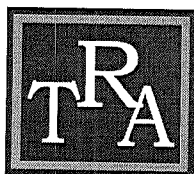
20 MS. WATERS:

21 Well, I'll tell you right now we don't
22 have them.

23 MS. BARNEY:

24 Okay. All right.

25 MS. WATERS:



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 We've asked a couple of times.

2 MS. BARNEY:

3 Okay.

4 THE WITNESS:

5 That was a rumor for a number of months,
6 but I understand that they officially announced it
7 within the last month or so.

8 MS. BARNEY:

9 Okay. Maybe if you could just update
10 the request.

11 MS. WATERS:

12 I can tell you I just -- last week I did
13 and they said they had no documents there so --

14 MS. BARNEY:

15 At Burnside or legal?

16 MS. WATERS:

17 Legal.

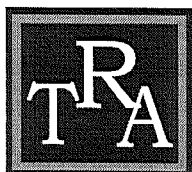
18 MS. BARNEY:

19 Okay.

20 BY MS. BARNEY:

21 Q. Other than talking with T.J. Osbun, did you
22 talk -- or Ms. Waters, did you talk with anybody -- or
23 me, did you talk with anybody else leading up to your
24 deposition?

25 A. I did call Tom and told him that I was going to



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 be subpoenaed and -- Tom Miller. And that's T.J., Matt
2 Barnes. That's it.

3 Q. When did you talk to Tom Miller?

4 A. It may have been before I got the subpoena, but
5 it was after I talked with you on the phone. Several
6 weeks ago.

7 Q. What did y'all talk about?

8 A. I just told him that -- I was asking questions
9 about things that I didn't remember, didn't have
10 knowledge of; that at some point if I'm going to be
11 asked further questions, I need to be -- I need to
12 have -- be refreshed on some of these investigation
13 reports and calculations and whatever was done during my
14 timeframe there.

15 Q. Did you --

16 A. And then he told me to call -- I think he told me
17 to call Monique and ask her about that, whether I can
18 get those kind of documents so that's what I did.

19 Q. And so what you were provided is what we --

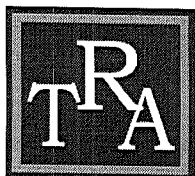
20 A. Yes.

21 Q. -- talked about today?

22 A. Yes. That packet that's in this folder.

23 Q. Did you ask them if you could have access to the
24 computer system you used to use to --

25 A. No. That's long since -- somebody else has got



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 it and I don't know who's got that and he wouldn't know
2 who's got that now so...

3 No. I just wanted to look at examples of the
4 kind of information that I would be asked questions
5 about so I wouldn't be completely out in the cold.

6 Q. All right. Do you remember receiving a memo back
7 in the fall of 2012 regarding not destroying evidence
8 relative to a leak case or leaks based on a lawsuit that
9 Jeff had filed?

10 A. I didn't -- when would that have been issued?

11 Q. Do you ever remember getting --

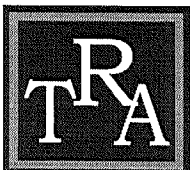
12 A. No.

13 Q. -- instruction to preserve evidence?

14 A. No, not on that. I've gotten instructions to
15 preserve evidence on other things that happened years
16 before. I even went there before. If I run across any
17 information -- they had someone that was involved in an
18 accident out at the plant. It was a safety event that
19 had a case and a former employee that also had some
20 hearing protection issues, that they want to preserve
21 those records there, but I didn't run across any records
22 there. But that was the only thing I was ever aware of.
23 Nothing pertaining to leaks.

24 Q. Okay.

25 A. And that would have come from corporate legal.



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 Q. Have you listened to any audio or video leading
2 up to your deposition?

3 A. No.

4 MS. BARNEY:

5 Okay. I think that's all I have.

6 BY MS. BARNEY:

7 Q. Let me show you a document that we'll mark as
8 Exhibit 13.

9 (Whereupon Exhibit No. 13 was marked for
10 identification.)

11 BY MS. BARNEY:

12 Q. Have you ever seen a calculation spreadsheet,
13 like a gas leak calculation spreadsheet, in this format?

14 A. I think I have, but I don't know. That's
15 probably before or maybe we decided on using the other
16 format that you see here.

17 Q. So the other -- Exhibit 7 and Exhibit 1 format --

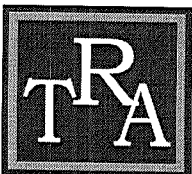
18 A. Yeah.

19 Q. -- was the one you used?

20 A. Yes, that's the one we used. I'm not sure about
21 this format. I think I remember seeing it, but I don't
22 remember specifically using it.

23 Q. Okay. This wasn't the one that Lewis Chu steered
24 you to then?

25 A. Not that I'm aware of. I mean, it could have



1 been -- he may offered that up, but for some reason we
2 decided on this (indicating).

3 Q. On the other one that you're pointing to, which
4 is Exhibit 7?

5 A. Yes.

6 Q. So you never did any calculations using the
7 format that's in Exhibit 13?

8 A. No.

9 Q. You've never seen Exhibit 13 before; right?

10 A. I may have seen it, but I didn't use it.

11 Q. Okay.

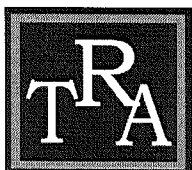
12 A. It's -- some of the this looks familiar there,
13 but I didn't use it enough to be real familiar with how
14 you would even input data into it, you know.

15 Q. All right.

16 MS. BARNEY:

17 Okay. Thank you very much. That's all
18 I have. Sorry we had to get back on the record for
19 that.

20 (Testimony concludes at 5:01 p.m.)



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA

225.751.0732

225.752.7308 FAX

New Orleans, LA

504.392.4791

504.392.4852 FAX

1.866.982.6878 TOLL FREE

1 WITNESS' CERTIFICATE:

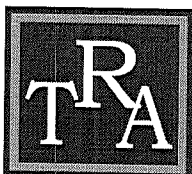
2
3 I, Kerry Long, read or have had the
4 foregoing testimony read to me and hereby certify that
5 it is a true and correct transcription of my testimony,
6 with the exception of any attached corrections or
7 changes.

8
9
10
11 _____
Kerry Long

12
13
14 _____ Signed with corrections noted.

15 _____ Signed without corrections noted.

16
17
18 DATE OF DEPOSITION: 12/11/12



TORRES REPORTING & ASSOCIATES, INC.

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE

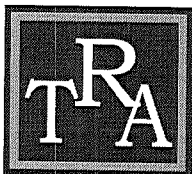
1
2 REPORTER'S CERTIFICATE:
3

4 I, ELICIA H. WOODWORTH, Certified Court
5 Reporter in and for the State of Louisiana, as the
6 officer before whom this testimony was taken, do hereby
7 certify that Kerry Long, after having been duly sworn by
8 me upon authority of R.S. 37:2554, did testify as
9 hereinbefore set forth in the foregoing 212 pages;

10 That this testimony was reported by me in
11 the stenotype reporting method, was prepared and
12 transcribed by me or under my personal direction and
13 supervision, and is a true and correct transcript to the
14 best of my ability and understanding;

15 That the transcript has been prepared in
16 compliance with transcript format required by statute or
17 by rules of the board, that I have acted in compliance
18 with the prohibition on contractual relationships, as
19 defined by Louisiana Code of Civil Procedure Article
20 1434 and in rules and advisory opinions of the board;

21 That I am not related to counsel or to the
22 parties herein, nor am I otherwise interested in the
23 outcome of this matter.
24
25

**TORRES REPORTING & ASSOCIATES, INC.**

COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com**Baton Rouge, LA**
225.751.0732

225.752.7308 FAX

New Orleans, LA
504.392.4791
504.392.4852 FAX

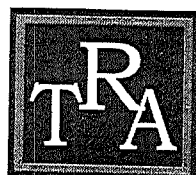
1.866.982.6878 TOLL FREE

1 Dated this 14th day of January, 2014.
2
3



Elicia H. Woodworth

ELICIA H. WOODWORTH, CCR
CERTIFIED COURT REPORTER



TORRES REPORTING & ASSOCIATES, INC.
COURT REPORTING & LITIGATION SERVICES

tra@torresreporting.com
www.torresreporting.com

Baton Rouge, LA
225.751.0732
225.752.7308 FAX
New Orleans, LA
504.392.4791
504.392.4852 FAX

1.866.982.6878 TOLL FREE